











**THE CALCUTTA MUNICIPAL ACT**

BEING

BEN. ACT III. OF 1800

WITH

A Digest of Rulings under the Repealed Act

AND

A COPIOUS INDEX.

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BY

D. E. CRANENBURGH,

*PLEADER.*

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# THE CALCUTTA MUNICIPAL ACT, 1899

BEING

## Bengal Act III. of 1899.

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### SUMMARY OF CONTENTS.

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#### PART I.

CHAPTER.	SECTIONS.
I.—PRELIMINARY ... ..	1 to 4

---

#### PART II.—CONSTITUTION AND GOVERNMENT.

II.—MUNICIPAL AUTHORITIES ... ..	5 to 24
III.—APPOINTMENT OF VICE-CHAIRMAN AND DEPUTY CHAIRMAN ... ..	25 et 26
VI.—SPECIAL PROVISIONS AS TO CHAIR- MAN, VICE-CHAIRMAN, AND DE- PUTY CHAIRMAN ... ..	27 to 35
V.—ELECTION AND APPOINTMENT OF COMMISSIONERS ... ..	36 to 62
VI.—MUNICIPAL OFFICERS AND SERVANTS.	63 to 67
VII.—CONDUCT OF BUSINESS. ... ..	77 to 102

---

#### PART III.—FINANCE.

VIII.—THE MUNICIPAL FUNDS ... ..	103 to 119
IX.—BUDGET ESTIMATE ... ..	120 to 127
X.—LOANS ... ..	128 to 141
XI.—ACCOUNTS ... ..	142 to 146

# CONTENTS :

## PART I.

### CHAPTER I.—PRELIMINARY.

#### SECTION.

1. Short title, extent, and commencement.
2. Repeal of enactments.
3. Definitions.
4. Power to decide whether land is a bustee or bustee land.

## PART II.—CONSTITUTION AND GOVERNMENT.

### CHAPTER II.—MUNICIPAL AUTHORITIES.

5. Enumeration of municipal authorities.

#### *Constitution of the Corporation.*

6. Constitution and incorporation of the Corporation.
7. Property vested in the Corporation.
8. Commissioners how to be elected or appointed.

#### *Constitution of the General Committee.*

9. Constitution of the General Committee.
10. Term of office of ordinary members.

#### *Appointment of the Chairman.*

11. Appointment and removal of Chairman.
12. Chairman's salary and house-rent allowance.

### *Functions of the several Municipal Authorities.*

#### SECTION.

13. Respective functions of the municipal authorities.
14. Special functions of the Corporation.
15. Special functions of the Chairman.
16. Power of General Committee to authorize the Chairman to take action in anticipation of their approval, sanction, consent, or concurrence.
17. Annual Administration Report and statement of accounts by Chairman.
18. Delegation of certain of Chairman's functions to municipal officers.
19. Exercise of functions to be subject to sanction of the necessary expenditure.

#### *Control by Local Government over Municipal Authorities.*

20. Sanction of Local Government required to projects costing over Rs. 1,00 000.
21. Power of Local Government to require returns, &c.
22. Power to depute officers to make inspection or examination and report.
23. Power to require municipal authority to take action.

## SECTION.

24. Procedure where municipal authority fails to take action.

---

CHAPTER III. — APPOINTMENT OF VICE-CHAIRMAN AND DEPUTY CHAIRMAN.

25. Appointment, salary, and removal of Vice-Chairman.  
 26. Appointment and salary of Deputy Chairman.

---

CHAPTER IV. — SPECIAL PROVISIONS AS TO CHAIRMAN, VICE-CHAIRMAN, AND DEPUTY CHAIRMAN.

27. Prohibition of having share or interest in contract or employment with Corporation.  
 28. Indebtedness to disqualify for office.  
 29. Contribution in respect of pension or leave allowances of Government servant appointed to be Chairman, Vice-Chairman, or Deputy Chairman.  
 30. Grant of pension or gratuity to Vice-Chairman or compassionate allowance to his family.  
 31. Prohibition of engaging in other business with certain exceptions.  
 32. Place of residence.  
 33. Daily attendance at Municipal Office.

## SECTION.

34. Functions and position of Vice-Chairman and Deputy Chairman.  
 35. Leave of absence to Chairman, Vice-Chairman, or Deputy Chairman.

---

CHAPTER V. — ELECTION AND APPOINTMENT OF COMMISSIONERS.

*Qualifications of Voters and Commissioners.*

36. Municipal election-roll.  
 37. Qualifications of voters at elections.  
 38. Qualification for election as a Commissioner.  
 39. Disqualifications for being a Commissioner.  
 40. Persons becoming disqualified or absenting themselves to cease to be Commissioners.  
 41. Decision by Chief Judge of Small Cause Court of questions as to disqualification.

*Election of Commissioners under Bengal Act II. of 1898.*

42. General election in March, 1900.

*Election of Commissioners under this Act.*

43. Wards for purposes of election.  
 44. Ward in which votes to be given.  
 45. Number of votes under section 37, sub-clause (a) or clause (iii).

## SECTION.

46. Number of votes under section 37, sub-clause (b).
47. Number of votes under section 37, sub-clause (c).
48. Double votes where voter lives in his own house or hut.
49. Number of votes under section 37, clause (ii).
50. Maximum number of votes.
51. Meaning of "person" in sections 43 to 50.
52. Government not to vote.
53. Date of elections.
54. Conduct of ward-elections.
55. Publication of list of duly returned candidates.
55. Hearing of election petitions by Judge of High Court.
57. Bribery.

*Appointment of Commissioners.*

58. Appointments by Chamber of Commerce, Trades Association, and Port Commissioners.
- 59 Appointments by Local Government.

*Term of Office of Commissioners, Removals, and Filling of Casual Vacancies.*

60. Term of office of Commissioners.
61. Removal of Commissioner.
62. Filling of casual vacancies.

## SECTION.

## CHAPTER VI.—MUNICIPAL OFFICERS AND SERVANTS.

63. Appointment and salary of principal officers.
64. Appointment and salary of other higher officers.
65. Appointment and salary of other officers and servants.
66. Prohibition of having share or interest in contract or employment with Corporation.
67. Indebtedness to disqualify for office under section 63.
68. Rules as to qualifications.
69. Contribution in respect of pension or leave allowances of Government servants appointed to be municipal officers or servants.
70. Punishment of officers and servants.
71. Engineer and Health Officer to be whole-time officers.
72. Certain officers to reside in Calcutta.
73. Power of Corporation to make rules as to furnishing security and grant of leave of absence, leave allowances, acting allowances, pensions, and gratuities.
74. Grant of leave of absence and leave allowances, and appointment and payment of substitutes.
75. Powers of acting officer or servant.

SECTION.

76. Grant of pensions and gratuities.

CHAPTER VII.—CONDUCT OF BUSINESS.

*Transaction of Business by the Corporation.*

77. Ordinary and special meetings.  
78. Notice of meetings and business.  
79. Vote of majority decisive.  
80. Attendance of Chairman, Vice-Chairman, and Deputy Chairman at meetings.  
81. President at meeting.  
82. Quorum.  
83. Declaration by President that a resolution has been carried or lost.  
84. Poll and ballot.  
85. Power to make rules.

*Contracts and Seal of Corporation.*

86. Execution of contracts by Chairman on behalf of the Corporation.  
87. Further provisions as to execution of contracts, and provisions as to seal of Corporation.  
88. Tenders.  
89. Security for performance of contract.

*Transaction of Business by the General Committee.*

90. Meetings.  
91. Quorum.  
92. Who to preside in absence of Chairman.

SECTION.

93. Vote of majority decisive.  
94. Power to make rules.

*Sub-Committees.*

95. Sub-Committees.

*Special Committees.*

96. Special Committees.

*Minutes and Reports of Proceedings.*

97. Keeping of minutes of proceedings.  
98. Inspection of minutes and reports of proceedings.  
99. Forwarding of minutes and reports of proceedings to Local Government.

*Supplemental Provisions.*

100. Fees payable to members of the General Committee and Sub-Committees.  
101. Power of Corporation to call for extracts from proceedings, &c., of General Committee or Sub-Committees.  
102. Validation of acts and proceedings.

PART III.—FINANCE.

CHAPTER VIII.—THE MUNICIPAL FUNDS.

- Enumeration of Municipal Funds. 103.

## SECTION.

- 104. The General Fund.
- 105. The Water-supply Fund.
- 106. The Lighting Fund.
- 107. The Sewage Fund.
- 108. Division between the four Funds of collections made on account of the consolidated rate.
- 109. Power to make grant-in-aid from General Fund to other Funds.
- 110. Separate heading in accounts.
- 111. Receipt of moneys and deposit in Bank of Bengal.
- 112. Drafts on the Municipal Funds.
- 113. Separate account of Municipal Funds beyond Calcutta.
- 114. Application of Municipal Funds.
- 115. Payments not to be made out of Municipal Funds unless covered by a budget-grant, and balance is available.
- 116. Duty of Vice-Chairman and others before signing cheque.
- 117. Procedure when money not covered by a budget-grant is expended under clause (c), (d), (f), or (g) of section 115.
- 118. Temporary payments from the Municipal Funds for works urgently required for the public service.
- 119. Investment of surplus moneys.

## SECTION.

## CHAPTER IX.—BUDGET ESTIMATE.

- 120. Chairman to lay before General Committee annual estimates of expenditure, receipts, and balances, and statement of proposed taxes.
- 121. General Committee to frame budget-estimate.
- 122. Copy of budget-estimate to be sent to each Commissioner.
- 123. Consideration of budget-estimate by Corporation.
- 124. Fixing of rates of taxes.
- 125. Final adoption of budget-estimate.
- 126. Power to alter budget-grants.
- 127. Re-adjustment of income and expenditure during the year.

## CHAPTER X.—LOANS.

- 128. Power of Corporation to borrow money for construction of permanent works.
- 129. Power of Corporation to borrow money for payment of debt.
- 130. Determination of sums to be borrowed.
- 131. Limit to borrowing powers.
- 132. Form and effect of debentures.
- 133. Maintenance of Sinking Funds.
- 134. Separate accounts for Sinking Funds.

SECTION.

- 135. Investment of Sinking Funds.
- 136. Application of Sinking Funds.
- 137. Annual statement by trustees.
- 138. Power of Corporation to consolidate their loans.
- 139. Time for repayment of money borrowed to discharge previous loan.
- 140. Priority of payments for interest and repayment of loans over other payments.
- 141. Attachment of Municipal Funds for recovery of money borrowed from the Government.

CHAPTER XI.—ACCOUNTS.

- 142. Accounts to be kept.
- 143. Appointment, powers, and remuneration of municipal auditors.
- 144. Reports and information to be furnished by auditors.
- 145. Auditors' report to be sent to each Commissioner, and laid before Corporation.
- 146. General Committee to remedy defects pointed out by auditors, and to report same to Corporation.

PART IV.—TAXATION.

CHAPTER XII.—RATES.

*Imposition of Rates.*

- 147. Power to impose rates.

SECTION.

- 148. Amounts of rates how to be fixed.

*Consolidation of Rates.*

- 149. Rates to be levied as one consolidated rate.

*Exemptions.*

- 150. Exemptions from consolidated rate.

*Assessment of Buildings and Land to the Consolidated Rate.*

- 151. Annual value of building or land how to be ascertained.

- 152. (1) Assessment of annual value, and duration of assessment.

(2) Provisos as to—

- (a) division of Calcutta into districts;
- (b) bustees and waste and agricultural land;
- (c) unvalued buildings and lands;
- (d) alterations and improvements;
- (e) depreciation;
- (f) alterations and improvements after re-valuation;
- (g) sub-division into separate shares.

- 153. Separate valuation of land and huts in case of bustee land.

- 154. Valuation by districts.

- 155. Separate assessment of out-houses and portions of buildings.

## SECTION.

- 156. Returns and inspection for purpose of valuation.
- 157. Public notice of, and inspection of, valuations.
- 158. Notice when valuation made for the first time or increased
- 159. Notice before re-valuing bustee, waste, or agricultural land.
- 160. Notice of objection to valuation.
- 161. Entry of objection and investigation thereof by Chairman
- 162. Appeal to Small Cause Court.
- 163. Valuations when to be final.
- 164. Keeping of assessment-book.
- 165. Entry of names of owners and occupiers in assessment-book.
- 166. Provisional registration as owner of premises.
- 167. Transfer to assessment-book of names provisionally registered.
- 168. Amendment of assessment-book.
- 169. Period for which revised valuations to continue in force.
- 170. Effect of entries in assessment-book.

*Payment and Recovery of the Consolidated Rate.*

- 171. Payment of consolidated rate.
- 172. Recovery by owner from tenant in certain cases of part of the owner's share of the consolidated rate.

## SECTION.

- 173. Refund of owner's share of consolidated rate for period of vacancy.
- 174. Refund of occupier's share of consolidated rate for period of vacancy or of occupation by new occupier.
- 175. Notice under section 173 or section 174 when to be delivered.
- 176. Application for refund when to be made.
- 177. Rate payable from date of re-occupation to last day of the quarter.
- 178. Power to levy entire rate from owner in certain cases.
- 179. Recovery from occupier of portion of rate paid by owner under section 178.
- 180. Consolidated rate to be paid by owner of land in bustee in certain cases.
- 181. Consolidated rate not payable on certain huts on bustee land.
- 182. Recovery from tenants of part of the rate paid by owner of land in bustee.
- 183. Owner's powers, &c., in recovering moneys under section 179 or 182.
- 184. Power to except bustee from sections 180, 182, and 183.
- 185. Requisition for, and provisional registration of, name of owner.
- 186. Occupier liable to owner's rate on failure to furnish owner's name and address.

SECTION.

187. Payment of assessment how affected by objections to valuation.

CHAPTER XIII.—TAX ON CARRIAGES AND ANIMALS.

188. Tax to be imposed,  
189. Tax when payable.  
190. Payment of tax on hackney-carriages and animals before registration.  
191. Obligation to furnish statements, and payment and remission of tax.  
192. Power to require occupier to furnish statements.  
193. Grant of license on payment of tax.  
194. Power to compound with livery stable-keepers, &c., for tax.  
195. Production of books and accounts by livery stable-keepers.  
196. Inspection of stables, &c., and seizure and disposal of carriages and animals.  
197. List of licensees and carriages and animals taxed.

CHAPTER XIV.—TAX ON PROFESSIONS, TRADES, AND CALLINGS.

198. Licenses to be taken out annually.  
199. Grant, contents, and duration of licenses.  
200. Liability and class how to be determined.

SECTION.

201. Power of Chairman to require list of companies, associations, bodies, or persons.  
202. Annual list of licensees.

CHAPTER XV.—SCAVENGING TAX.

203. License to be taken out half-yearly, and fee to be paid therefor.  
204. Grant, contents, and duration of licenses.  
205. Half-yearly list of licensees.

CHAPTER XVI.—TAX ON PETROLEUM.

206. Storage and taxation of petroleum.  
207. Confiscation of petroleum.

CHAPTER XVII.—TAX ON CARTS.

208. Registration and numbering of carts.  
209. Fees for registration and division thereof.  
210. Prohibitions  
211. Seizure and sale of unregistered carts and application of proceeds.

CHAPTER XVIII.—SPECIAL PROCEDURE FOR RECOVERY OF THE CONSOLIDATED RATE AND OTHER TAXES.

212. Saving of other chapters.

## SECTION.

*The Consolidated Rate.*

- 213. Presentation of bills.
- 214. Notice of demand.
- 215. Distraint.
- 216. Power to remit fees payable for notice of demand or warrant of distress.
- 217. Power to break open door or window.
- 218. Inventory and notice of sale.
- 219. Power to take away property if forcible removal apprehended.
- 220. Distresses to be reasonable.
- 221. Sale and disposal of proceeds.
- 222. Recovery of rate from occupier or his subtenants, and deduction of amount from rent.
- 223. Liability of purchaser for vendor's share of consolidated rate.
- 224. Execution of distress-warrant outside Calcutta.
- 225. Distraint not unlawful for want of form.
- 226. Power to take summary proceedings against persons about to leave Calcutta.
- 227. Power to sue for arrears, if necessary.
- 228. The consolidated rate to be a first charge on premises.

*Other Taxes.*

- 229. Power to prosecute or serve notice of demand.

## SECTION.

- 230. Election by defaulter to appear before Magistrate or Chairman.
- 231. Procedure thereupon.
- 232. Powers of Chairman where defaulter does not appear before Magistrate or Chairman.
- 233. Distraint.

## CHAPTER XIX.—SUPPLEMENTAL PROVISIONS.

- 234. Taxes not invalid for defect of form.
- 235. Cancellation of irrecoverable dues.

## PART V.—THE PUBLIC HEALTH, SAFETY, AND CONVENIENCE.

## CHAPTER XX.—WATER-SUPPLY.

*Proprietary Rights of the Corporation.*

- 236. Public water-works, &c., vested in the Corporation.

*General Duties of the Municipal Authorities in respect of the Supply of Water.*

- 237. Corporation to provide supply of filtered and unfiltered water.
- 238. Public stand-posts.
- 239. Bathing platforms.
- 240. Hydrants, &c., for street-watering, &c.
- 241. Introduction of continuous system of supplying filtered water.

## SECTION.

242. Pressure of supply.

243. Testing of purity of filtered water.

*Use of Water.*

244. Use of filtered water.

245. Prohibition of improper use of filtered water supplied for domestic purposes.

246. Use of unfiltered water.

247. Substitution of unfiltered for filtered water.

*Supply of Water to Premises and Ships.*

248. Right of occupier of connected building to receive water in consideration of water-rate.

249. Power to allow occupier of masonry building paying water-rate to lay down service-pipes.

250. Requisition by occupier on owner to provide works for supply of water.

251. Provision for completion of works by occupier in default of owner, and deduction of expenses from rent.

252. Recovery of sums payable to owner

253. Compulsory supply of water from main.

254. Sale of water for other than domestic purposes.

255. Supply of filtered water to ships.

*Water-connections.*

256 Separate service-pipes for separate premises.

## SECTION.

257. Separate stop-cocks and underground hydrants or taps for supply of unfiltered water to private premises.

258. Outer stop-cocks.

259. Size of ferrules.

260. Construction of service-pipes, ferrules, and works.

261. Power to enter premises.

262. Replacing or alteration of fittings for supplying unfiltered water for the flushing of privies or urinals.

263. Improvement of fittings before applying continuous system.

264. Inspection of works, &amp;c., before permitting connection with mains.

265. Owner to keep works in repair.

266. Prohibition of unlawfully flushing, &amp;c., water, or damaging pipes, &amp;c.

*Regulation of Consumption of Water.*

267. Blocks and block meters.

268. Prohibition of waste of water.

269. Prevention of waste of filtered water under the continuous system.

270. Provision of house-meters.

271. Payment for filtered water supplied in excess of statutory allowance.

272. Recovery of dues.

273. Presumption as to correctness of meter.

274. Testing of meter.

275. Replacing of meter.

## SECTION.

276. Prohibition of fraud in respect of meter.

277. Prohibition of injuring meter or fittings.

*Supply of Water for Use beyond Calcutta.*

278. Supply of filtered water to adjacent municipalities and cantonments.

279. Supply of water to persons residing out of Calcutta, or for use outside Calcutta.

280. Power to extend this chapter to environs of Calcutta.

*Miscellaneous Provisions.*

281. General powers of the Corporation.

282. Arbitration in case of difference between owner and occupier.

283. Power to cut off or turn off supply of water to premises.

284. Filling-up of wells when water supplied.

285. Laying of pipes or construction of aqueducts beyond Calcutta for bringing water into Calcutta.

---

CHAPTER XXI.—DRAINS, PRIVIES, AND OTHER RECEPTACLES FOR FILTH.

*Proprietary Rights of the Corporation in respect of Drains.*

286. Public drains, and drains in, alongside, or under public streets, to vest in Corporation.

## SECTION.

287. Drains, &c., constructed, &c., at charge of Municipal Funds on private premises to vest in Corporation.

*Duties of the Corporation in respect of Maintenance and Construction of Drains.*

288. Repair and provision of drains by Corporation.

289. Outfall for discharge of storm-water and sewage.

*Municipal Drains.*

290. Power to carry municipal drains through street, &c., and power to enter on private land for construction or alteration of municipal drain.

291. Power to improve or discontinue municipal drains.

292. Railways, streets, &c., not to be constructed over municipal drain without permission.

293. Communication of drain under control of Local Authority beyond Calcutta with municipal drain.

294. Communication of municipal drains with drains, lakes, &c., beyond Calcutta.

*Drainage of Premises.*

295. Right of owner or occupier of premises to empty his house-drain into municipal drain.

## SECTION

- 296. Connections with municipal drains not to be made except in conformity with section 295.
- 297. Compulsory connection of house-drains with each other.
- 298. Draining of group or block of buildings by a combined operation.
- 299. Power of Chairman to enforce drainage of undrained premises situate within 100 feet of a municipal drain.
- 300. Power of Chairman to enforce drainage of undrained premises in other cases.
- 301. Power of Chairman to close or limit the use of house-drain.
- 302. Power of Chairman to require that sewage and rain-water drains be distinct.
- 303. Restrictions on construction of drain beneath building.
- 304. Prohibition of construction of cesspool beneath certain buildings.
- 305. Maintenance of house-drains kept up for the benefit of certain premises only.
- 306. Paving, &c., of courtyard, &c., between buildings.
- 307. Surface drains for huts.
- 308. Rules as to drains.

*Privies and Urinals.*

- 309. Provision and maintenance of public privies

## SECTION.

- and urinals by General Committee.
- 310. Licensing of public privies and urinals.
- 311. Privies and urinals for future buildings.
- 312. Direction to require provision of privy or urinal for building, land, or bustee.
- 313. Power to require provision of privies and urinals for premises used by large numbers of people.
- 314. Rules for construction, &c., of privies and urinals.
- 315. Recovery by occupier from owner of expenses of making structural alterations in privy or urinal.
- 316. Expenses payable out of Municipal Funds in certain cases.

*Inspection of Drains, House-gullies, Privies, and Urinals.*

- 317. House-drains, &c., not belonging to the Corporation to be subject to inspection and examination.
- 318. Power to open ground, &c., for purposes of such inspection and examination.
- 319. Expenses of inspection and examination by whom to be paid.
- 320. Power of Chairman to require repairs, &c., to be made.

## SECTION.

*General Powers and Duties of the Chairman.*

- 321. Affixing of shafts or pipes for ventilation of drain or cess-pool.
- 322. Supervision and revision of work of laying under-ground drain.
- 323. Power of Chairman to himself cause work to be done when municipal drains, &c., affected.
- 324. Provision of drains, &c., in executing works.

*Filth-receptacles near Tank or Reservoir.*

- 325. Filth receptacles within fifty feet of tank, water-course, or reservoir.

*General Prohibitions.*

- 326. Prohibition of certain acts.

*Appeal.*

- 327. Appeal to the General Committee.

*General Powers of the General Committee.*

- 328. General powers of the General Committee in respect of house-drain, cess-pools, privies, and urinals.

## CHAPTER XXII.—LICENSED PLUMBERS.

- 329. Licensing of plumbers.
- 330. Regulations for guidance of plumbers.

## SECTION.

- 331. Powers and duties of plumber licensed for drainage works.
- 332. Prohibition of work by other than licensed plumber.
- 333. Remuneration of licensed plumbers.
- 334. Control over licensed plumbers and their work and charges.
- 335. Prohibitions and cancellation of license.

## CHAPTER XXIII.—STREETS AND PUBLIC PLACES.

*Proprietary Rights of the Corporation.*

- 336. Public streets and squares vested in the Corporation.

*Maintenance, Repair, and Protection of Streets and Public Places.*

- 337. Maintenance and repair of public streets
- 338. Watering of public streets and squares.
- 339. Cutting of hedges and trees.
- 340. Regulation of verandahs, &c., projecting over streets.
- 341. Removal or alteration of fixtures attached to building so as to project, &c., over public street or land.
- 342. Removal of other obstructions in public street.

## SECTION.

343. Repair, protection, or enclosure of dangerous buildings, tanks, &c., near streets.

344. Sky signs.

*Execution of Works in Street.*

345. Guarding and lighting when public street opened or broken up, and speedy completion of work.

346. Prevention or restriction of traffic in street during progress of work.

347. Provision of facilities, and payment of compensation, when work executed by municipal authority in public street.

*Naming of Public Streets and Numbering of Buildings.*

348. Naming of public streets.

349. Numbering of buildings in or near street.

*Lines of Buildings and Public Streets.*

350. Power to define general line of buildings.

351. Restriction on construction of buildings or walls within such line.

352. Setting back projecting buildings or walls.

353. Setting buildings forward to improve line of public street.

*Opening, Improvement, and Closing of Public Streets.*

354. Power of General Committee to make, improve, and close streets.

## SECTION.

355. Power to dispose of so much of a permanently closed street as is not required.

356. Projected public streets.

*Acquisition of Land and Buildings.*

357. Acquisition of land and buildings for improvement of public streets.

*Special Provisions as to Private Streets.*

358. Making of new private streets.

359. Prohibition of breach of section 358.

360. Alteration or demolition of street made in breach of section 358.

361. Levelling, &c., of private streets.

362. Power of Corporation to take over private streets.

---

CHAPTER XXIV.—BUILDINGS.

363. Use of building sites, and erection and re-erection of buildings.

*Building Sites.*

364. Sale of site unsuitable for building.

365. Formation of plots into suitable building sites and sale of such sites.

366. Implied covenant in sales of land for sub-division into building sites.

## SECTION.

*Buildings generally.*

367. Power to regulate future erection of certain classes of building in particular streets or localities.

368. Prohibition of inflammable materials for roofs or external walls.

*Masonry Buildings.*

369. External doors of public buildings.

370. Application for permission to erect or re-erect a masonry building.

371. Permission to erect or re-erect masonry building not to be given unless and until site approved.

372. Work not to be commenced unless and until permission given.

373. Approval of site when to be given or refused.

374. Permission to execute work when to be given or refused.

375. Record of reasons and appeal when approval or permission refused.

376. Reference to General Committee if Chairman delays grant or refusal of approval or permission.

377. Grounds on which approval of site for, or permission to erect or re-erect, a masonry building may be refused.

378. Special powers for suspending or granting permission to erect a

## SECTION.

masonry building, or convert huts, &c., into a masonry building.

379. Lapse of permission if not acted upon within one year.

380. Notice before commencing work.

381. Notice after completion of work.

382. Inspection by Chairman.

383. Powers of Chairman on making inspection.

*Huts.*

384. Application to be sent, and particulars furnished, by person intending to erect or re-erect a hut.

385. Work not to be commenced, unless and until permission given.

386. Permission to execute work when to be given or refused.

387. Record of reasons, and appeal, when permission refused.

388. Reference to General Committee if Chairman delays grant or refusal of permission.

389. Grounds on which permission to erect or re-erect a hut may be refused.

390. Lapse of permission, if not acted upon within six months.

*Application of Act to Alteration of, and Addition to, Buildings.*

391. Application of Act to alterations of, and additions to, buildings.

## SECTION.

*Compensation.*

392. Compensation after refusal to permit building when site falls within street alignment of projected public street.

*Exemptions.*

393. Exemptions.

CHAPTER XXV.—GENERAL IMPROVEMENTS.

394. Power to acquire land and buildings for improvements.  
 395. Scheme for carrying out such improvements.  
 396. Power of General Committee to carry out improvements.  
 397. Transfer of land and buildings to person for carrying out improvements.

CHAPTER XXVI.—BUSTEES.

*Preliminary.*

398. Power to define and alter limits of bustees.  
 399. Restriction on application of this chapter to masonry buildings in bustees.

*Improvement of Bustees.*

400. Preparation of standard plan by owners.  
 401. Preparation of standard plan by General Committee in default of owners.

## SECTION.

402. Suspension of building pending preparation of standard plan.  
 403. Prohibition of building contrary to standard plan.  
 404. Power to require re-erection of huts in conformity with standard plan.  
 405. Power to require carrying out of other improvements in conformity with standard plan.  
 406. Inspection, report, and preparation of standard plan by medical officer and engineer in cases requiring expedition.  
 407. Approval by General Committee of standard plan annexed to such report.  
 408. Power of General Committee to require owners or occupiers to carry out improvements proposed in such report.  
 409. Power of General Committee to carry out such improvements in default of owners.  
 410. Disposal of materials of huts pulled down in pursuance of section 409.  
 411. Power of Corporation to purchase or acquire land in pursuance of report made under section 406.  
 412. Application of sections 403 to 405 in order to bring bustee into

## SECTION.

- conformity with standard plan approved under section 407.
413. Alternative power to General Committee to make standard plan, to purchase or acquire bustee, and to carry out improvements themselves or through purchaser or lessee.
414. Proportions of area of bustee to be shown in standard plan as streets, passages, and open lands.
415. Regulation of plots by standard plan, and compensation for adjustment of plots.
416. Streets shown in standard plan, if not public streets, to remain private.
417. Rights of owners of land and huts, respectively, over streets, land, and drains shown in standard plan.
418. Bustee when to be deemed a remodelled bustee.
419. Power to take land out of the category of bustee land.

*Cleansing of Bustees.*

420. Power to employ special establishment and impose special rate for cleansing of bustee.
421. Powers of General Committee in other cases to secure cleansing of bustee.

## SECTION.

## CHAPTER XXVII.—LIGHTING.

422. Provision of lighting for public streets, markets, and buildings.
423. Prohibition of removal, &c., of lamps, &c.
424. Person breaking lamp to pay for repair.
425. Gas-pipes how to be laid.
426. Alteration of situation of gas-pipes, &c., by direction of Chairman.
427. Railways, streets &c., not to be constructed over municipal gas-pipe without permission.
428. Control by General Committee.

## CHAPTER XXVIII.—SCAVENGING.

429. Provision or appointment of receptacles, depôts, and places for deposit or disposal of rubbish, offensive matter, sewage, and carcasses.
430. Collection and temporary deposit of rubbish and offensive matter by occupiers of premises.
431. Collection and removal of rubbish and offensive matter accumulating on business premises.
432. Chairman to provide for cleansing of streets and removal of rubbish, &c.
433. Rubbish, &c., to be the property of the Corporation.

## SECTION.

434. Removal of sewage and offensive matter.
435. Establishment for removal of sewage from privies and urinals.
436. Prohibition of—
- (1) allowing rubbish or offensive matter to accumulate on premises for more than twenty-four hours;
  - (2) irregular depositing of rubbish or offensive matter;
  - (3) irregular removal of sewage or offensive matter;
  - (4) irregular placing of rubbish, offensive matter, or sewage;
  - (5) allowing filthy matter to flow or soak from premises, or create a nuisance.
437. Presumption as to offender under section 436 (4).
438. Notice to be given by mehters, &c., before withdrawing from work.

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CHAPTER XXIX.—INSPECTION AND REGULATION OF PREMISES.

439. Power to inspect premises for sanitary purposes.
440. Power to require cleaning and lime-washing of building.

## SECTION.

441. Securing, enclosing, cleaning, or clearing of building or land which is untenanted, filthy, or a nuisance.
442. Taking down, repair, or securing of building or fixture in a ruinous state, &c.
443. Sale of materials of buildings taken down in pursuance of notice issued under section 441 or section 442.
444. Buildings unfit for human habitation.
445. Abatement of overcrowding in dwelling-house or dwelling-place.
446. Further powers with reference to over-crowded buildings.
447. Filling-up, &c., of unwholesome wells, &c.
448. Regulation of excavations.

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CHAPTER XXX.—DEMOLITION, ALTERATION, AND STOPPING OF WORK.

449. Demolition or alteration of building work unlawfully commenced, carried on, or completed.
450. Demolition or alteration of work in other cases.
451. Power of General Committee or Chairman to stop progress of building work unlawfully commenced or carried on.
452. Demolition and fine cumulative.

## SECTION.

## CHAPTER XXXI.—KEEPING OF ANIMALS AND DISPOSAL OF CARCASSES.

- 453. Prohibitions as to keeping animals.
- 454. Destruction of stray swine.
- 455. Power to prevent keeping of milch-cattle in particular areas for supplying milk by sale.
- 456. General powers of control over stables, cattle-sheds, and cow-houses.
- 457. Power to direct discontinuance of use of building as a stable, cattle-shed, or cow-house.
- 458. Removal of carcasses of animals.

## CHAPTER XXXII.—REGULATION OF PUBLIC BATHING AND WASHING.

- 459. Setting apart of places for public bathing, &c.
- 460. Regulation of use of public bathing-places, &c.
- 461. Prohibition of bathing, &c., contrary to order or notice.
- 462. Prohibition of fouling water by certain acts.

## CHAPTER XXXIII.—REGULATION OF FACTORIES, TRADES, &amp;C.

- 463. Factory, &c., not to be newly established without permission of the Chairman.

## SECTION.

- 464. Sanitary regulation of factories, bake-houses, &c., and prevention of danger from machinery.
- 465. Use of steam-whistle or steam-trumpet.
- 466. Certain trades not to be carried on without a license.
- 467. Fees for such licenses.
- 468. Appeal to General Committee.
- 469. Power to prevent use of premises in particular areas for purposes referred to or mentioned in section 466.
- 470. Power to direct discontinuance of use of premises for certain trades near dwelling-houses.
- 471. Power to direct discontinuance of use of premises for particular purpose, when kept so as to be a nuisance.
- 472. Prohibition of fouling of water in carrying on trade or manufacture.
- 473. Inspection of premises used for manufactures, &c.
- 474. Public wash-houses.
- 475. Provision of other places for use by washermen.
- 476. Prohibition of washing of clothes by washermen at other places.

## CHAPTER XXXIV.—MARKETS, BAZARS, AND SLAUGHTER-PLACES.

- 477. Provision and maintenance of municipal

## SECTION.

- markets and municipal slaughter-houses.
- 478. Power to close municipal markets and municipal slaughter-houses.
- 479. Prohibition of sale in municipal market without license.
- 480. Opening of new private markets
- 481. Licensing of private markets and slaughter-houses.
- 482. Prohibition of unauthorized use of place as a private market.
- 483. Power of Magistrate to close unauthorized private market.
- 484. Prohibition of sale in places so closed.
- 485. Paving and draining of private markets, bazars, private slaughter-houses, and places set apart for sacrifice of animals.
- 486. Power to fix limits of private market or bazar.
- 487. Power to require setting out, &c., of approaches, roads, paths, and ways to or in private market or bazar.
- 488. Power of Chairman to make regulations for markets, bazars slaughter-houses, and places set apart for sacrifice of animals
- 489. Levy of charges in municipal markets and municipal slaughter-houses.
- 490. Recovery of such charges.

## SECTION.

- 491. Regulations and table of charges to be posted up in markets and slaughter-houses.
- 492. Power to expel persons contravening bye-laws or regulations.

## CHAPTER XXXV.—FOOD AND DRUGS.

*Sale of Articles of Food and Drink generally.*

- 493. Licensing of sale of meat, &c., outside market.
- 494. Licensing of butchers and sellers of meat.
- 495. Prohibition of sale or manufacture of articles of human food or drink not of the proper nature, substance, or quality
- 496. Prohibition of sale of diseased or unwholesome animals or articles intended for human food.

*Sale of Drugs.*

- 497. Registration of shops and places for retail sale of drugs.
- 498. Power to make rules as to compounders.
- 499. Prohibitions in respect of compounding of drugs.
- 500. Saving as to practitioners of indigenous medicines.

## SECTION.

*Inspection and Seizure of Food and Drugs.*

- 501. Power of Chairman to enter place where unlawful slaughter of animals or sale of flesh is suspected.
- 502. Chairman to provide for inspection of articles exposed for sale for human food or medicine.
- 503. Power to seize articles, &c., which are unwholesome, &c.
- 504. Destruction of articles seized under section 503.
- 505. Taking before Magistrate animals and articles seized under section 503.
- 506. Restoration to owner of drugs not taken before a Magistrate.
- 507. Compulsory sale to Chairman for purpose of analysis.
- 508. Food and drugs directed to be destroyed, &c., deemed to be property of Corporation.

## CHAPTER XXXVI.—WRIGHTS AND MEASURES

- 509. Provision and custody of standards of local weight and measure.
- 510. Verification of weights and measures by such standards.
- 511. Fees for comparison and stamping.
- 512. Control by Corporation.

## SECTION.

## CHAPTER XXXVII.—RESTRAINT OF INFECTION.

- 513. Medical practitioners to give information of existence of dangerous disease.
- 514. Power of Chairman to inspect places and take measures to prevent spread of dangerous disease.
- 515. Prohibition of use, for drinking or for washing clothes, of water likely to cause dangerous disease.
- 516. Power of Chairman or police-officer to remove patient to hospital.
- 517. Disinfection of buildings or articles therein.
- 518. Destruction of huts and sheds.
- 519. Infected building not to be let without being first disinfected.
- 520. Disinfection, washing, or destruction of infected articles.
- 521. Infected articles not to be transmitted, &c., without previous disinfection.
- 522. Restrictions on carriage of patient in public conveyance.
- 523. Disinfection of public conveyance after carriage of patient.
- 524. Provision of special conveyances for patients.
- 525. Power of Chairman to take special measures on outbreak of danger-

## SECTION.

ous disease, or infectious epizootic disease.

CHAPTER XXXVIII.—REGISTRATION OF BIRTHS AND DEATHS.

- 526. Appointment of registrars and sub-registrars.
- 527. Dwelling-place of registrar and sub-registrar.
- 528. List of registrars and sub-registrars.
- 529. Register-books.
- 530. Registrar to inform himself of, and register, births and deaths.
- 531. Information of birth by whom to be given.
- 532. Information of death by whom to be given.
- 533. Medical practitioners to send to Health Officer notice stating cause of death.
- 534. Duties of police with regard to unclaimed corpses.
- 535. Signature of register-book by informant of birth or death.
- 536. Sextons, &c., not to bury or burn corpse without certificate.
- 537. Transmission of copies of entries by sub-registrar to registrar.
- 538. Power of Local Government to make rules.

CHAPTER XXXIX.—DISPOSAL OF THE DEAD.

- 539. Registration of places for disposal of the dead.

## SECTION.

- 540. Provision and registration of new places for disposal of the dead.
- 541. Chairman's permission required to opening or re-opening places for disposal of the dead.
- 542. Power of Local Government to direct the closing of any place for the disposal of the dead.
- 543. Power of Local Government to direct re-opening of place closed under section 542 or other law.
- 544. Register of burials and cremations.
- 545. Prohibition of certain acts without the permission of the Chairman.

CHAPTER XL.—CENSUS.

- 546. Census when and how to be taken.
- 547. Superintendence.
- 548. Expenses.
- 549. Enumeration districts.
- 550. Appointment and duties of enumerators.
- 551. Military and Naval Officers and certain other persons, if required, to act as enumerators.
- 552. Filling up of forms by occupiers of dwelling-houses.
- 553. Returns of houseless persons and persons not otherwise enumerated.

## SECTION.

## PART VI.

## CHAPTER XLI.—RAILWAYS.

554. Powers of Corporation as to construction, &c., of railways.
555. Powers of lessee of Corporation's railway.

## PART VII.

## CHAPTER XLII.—ACQUISITION AND DISPOSAL OF LAND AND BUILDINGS.

556. Further powers for acquiring and disposing of land or buildings.
557. Application of Land Acquisition Act, 1894, with amendments.
558. Vesting in Corporation of land and buildings acquired under the Land Acquisition Act, 1894.

## PART VIII.

## CHAPTER XLIII.—BYE-LAWS, RULES AND REGULATIONS.

559. Powers of General Committee for making bye-laws.
560. Type plans to be annexed to certain bye laws.
561. Penalties for breach of bye-laws.
562. Bye-laws on certain matters to be made within six months.
563. Power of Corporation to require General Committee to make bye-laws.

## SECTION.

564. Powers for making bye-laws, rules, and regulations exercisable from time to time.
565. Conditions precedent to the making of bye-laws.
566. Bye-laws to be subject to confirmation and sanction.
567. Power to make rules for the amendment of certain schedules.
568. Conditions precedent to the making of rules.
569. Certain rules to be subject to sanction.
570. Publication of bye-laws, rules, and regulations in Gazette.
571. Printing and sale of copies of bye-laws, rules, and regulations.
572. Exhibition of bye-laws, rules, and regulations on boards.
573. Power of Local Government to cancel bye-laws, rules, and regulations.

## PART IX.

## CHAPTER XLIV.—PENALTIES.

574. Certain offences punishable with fine.
575. Continuing offences in certain cases punishable after a first conviction with a daily fine.
576. Punishment for contravening regulation made under section 525.

## SECTION.

577. Punishment for acquiring share or interest in contract, &c., with the Corporation (sections 27 and 66).
578. Fine for not taking out certain licenses.
579. Fine for unlawfully commencing, carrying on, or completing building work.
580. Fine for disobedience of direction for demolition or alteration where building work unlawfully commenced, carried on, or completed.
581. Fine for disobedience of direction for demolition or alteration in other cases.
582. Fine for putting building to other than declared use.
583. Fine for using building for carrying on offensive trade without previous declaration.
584. Penalty on mehters, &c., withdrawing from work without notice.
585. Penalty for obstructing contractor or removing mark.

## PART X.

## CHAPTER XLV.—PROCEDURE.

*Licenses and Written Permissions.*

586. Duration, conditions, signature, suspension, revocation, and produc-

## SECTION.

tion of licenses and written permissions.

*Public Notices and Advertisements*

587. Public notices how to be made known.
588. Newspapers in which advertisements or notices to be published.

*Evidence.*

589. Proof of consent, &c., of municipal authority or municipal officer.

*Signature and Service of Notices, &c.*

590. Signature on notices, &c., may be stamped.
591. Notices, &c., by whom to be served or presented.
592. Service how to be effected otherwise than on owner or occupier of premises.
593. Service how to be effected on owner or occupier of premises.
594. Sections 591 to 593 not to apply to Magistrate's summons.

*Powers of Entry.*

595. Power of entry to inspect, survey, or execute work.
596. Power of entry on lands adjacent to works.

*Enforcement of Orders to execute Work, &c.*

597. Time for complying with requisition or order, and power to enforce

## SECTION.

- requisition or order in default of person directed.
598. Submission of objections to complying with notice.
599. Power to require estimate of expenses of work.
600. Reference of objections to Sub-Committee or General Committee.

*Recovery of Expenses.*

601. Recovery of expenses of demolishing buildings, &c.
602. Expenses to be payable on demand, and recoverable under Chapter XVIII.
603. Apportionment of expenses between owners or occupiers.
604. Recovery from occupier of expenses payable by owner.
605. Power to accept agreement for payment of expenses in instalments.
606. Power to declare certain expenses to be improvement expenses.
607. Improvement expenses how recoverable, and by whom payable.
608. Deduction from rent of part of improvement expenses.
609. Power to redeem charge for improvement expenses.
610. Recovery of instalments due under section 605 or 607.

## SECTION.

611. Execution of work by occupier in default of owner, and deduction of expenses from rent.
612. Recovery from owner of cost of work executed by or in default of occupier.
613. Relief to agents and trustees.

*Payment of Compensation.*

614. General power of Chairman to pay compensation.
615. Compensation to be paid by offenders for damage caused by them.

*Recovery of Expenses or Compensation in case of Dispute.*

616. Reference by Chairman to Small Cause Court or High Court in certain cases.
617. Application to Small Cause Court in other cases.
618. Recovery of sums ascertained under section 617 to be due.
619. Power to sue.

*Recovery of certain Dues.*

620. Recovery of certain dues.

*Limitation of Time for Appeal.*

621. Limitation of time for appeal.

*Obstruction of Owner by Occupier.*

622. Application to Chief Judge by owner when occu-

## SECTION.

pier prevents his complying with Act, &c.

*Proceedings before Courts of Small Causes.*

- 623. General powers and procedure of Small Cause Courts.
- 624. Fees in proceedings before Small Cause Courts.
- 625. Re-payment of half-fees on settlement before hearing.
- 626. Application of sections 623 to 625 to the Chief Judge.
- 627. Power of the Chief Judge to delegate certain of his powers, and to make rules.

*Proceedings before Magistrates.*

- 628. Municipal Magistrates.
- 629. Cognisance of offences.
- 630. Power to hear case in absence of accused when summoned to appear.
- 631. Limitation of time for prosecution.
- 632. Complaints concerning nuisances.

*Legal Proceedings.*

- 633. Powers of Chairman as to institution, &c., of legal proceedings, and obtaining legal advice.
- 634. Notice, limitation, and tender of amends in suit against municipal authority, &c.
- 635. Indemnity to municipal authorities, &c.

## SECTION.

## PART XI.

CHAPTER XLVI.—SUPPLEMENTAL PROVISIONS.

*Alteration of Limits of Calcutta.*

- 636. Notification of intention to alter limits of Calcutta
- 637. Alteration of limits after considering objections.
- 638. Effect of exclusion of local area from Calcutta.
- 639. Effect of including local area in Calcutta.

*Extension of Act to Howrah.*

- 640. Notification of intention to extend Act to Howrah.
- 641. Extension of Act after considering objections.
- 642. Effect of extension of Act.

*Police.*

- 643. Co-operation of the police.
- 644. Arrest of offenders.

*Miscellaneous.*

- 645. Who to be deemed owner or occupier where there are gradations of owners or occupiers.
- 646. Commissioners, officers, servants, and tax-collectors deemed public servants.
- 647. Prohibition of obstruction of municipal contractors.
- 648. Prohibition of removal of mark,

## SECTION.

*Special Provisions as to Land and Buildings in Hastings.*

649. Control by General Officer Commanding the Presidency District over Government land and buildings
650. Sanction of Government of India required to erection or re-erection of masonry buildings.
651. Demolition of buildings erected or re-erected without such sanction.
652. Application of section 580 (fines).

## SCHEDULE I.

"CALCUTTA."

## SCHEDULE II.

## RULES AS TO LICENSES ON THE EXERCISE OF PROFESSIONS, TRADES, AND CALLINGS.

## RULE.

1. Classes of licenses, and tax on each.
2. Licenses to be either personal or local.
3. Only one personal license required for each person.
4. Personal license for members of firms.
5. Local license required for each separate place of business.
6. Valuation of places of business not separately valued under Chapter X.

## RULE.

7. When both personal and local license required.
8. Lessee to be licensee.
9. Continuance of liability in same class.
10. Time for presentation of application for remission, &c.
11. Power of Chairman to issue notices to take out licenses, &c.
12. Chairman to prove liability when service of notice not proved.
13. Appeal when to lie.
14. Statement by appellant.
15. Procedure of Court in appeal.
16. Finality of order in appeal.

## SCHEDULE III.

## WARDS FOR PURPOSES OF THE ELECTION OF WARD COMMISSIONERS.

## SCHEDULE IV.

## RULES FOR PREPARATION AND PUBLICATION OF THE MUNICIPAL ELECTION-ROLL.

## RULE.

1. Registration of names of owners and occupiers.
2. Registration and payment of municipal taxes, conditions precedent to entry in municipal election-roll.
3. Preparation of list of persons appearing entitled to entry in municipal election-roll.
4. Publication of list.
5. Delivery of copies of list.

## RULE.

6. Notice of publication and sale of list.
7. Notice of objections to list.
8. Representation of associations of individuals.
9. Revision of list.
10. Adjournments.
11. List when revised and signed to be the municipal election roll.
12. Publication of municipal election roll.
13. Delivery of copies of roll.
14. Commencement and continuance of roll.

## SCHEDULE V.

## RULES FOR CONDUCT OF ELECTIONS.

1. Notice of elections.
2. Nomination papers.
3. Power to declare nomination invalid.
4. Publication of list of candidates for election.
5. Poll when unnecessary.
6. Poll when and how to be taken.
7. Procedure where a Commissioner is elected for more than one ward.

## SCHEDULE VI.

## FORM OF DEBENTURE.

## SCHEDULE VII.

DATES UP TO WHICH VALUATION MADE BEFORE THE COMMENCEMENT OF THIS ACT ARE TO REMAIN IN FORCE.

## SCHEDULE VIII.

## TAX ON CARRIAGES AND ANIMALS.

## SCHEDULE IX.

## SCAVENGING TAX.

## SCHEDULE X.

## FORM OF NOTICE OF DEMAND.

## SCHEDULE XI.

## FORM OF DISTRESS WARRANT.

## SCHEDULE XII.

## TABLE OF FEES PAYABLE ON WARRANTS OF DISTRESS.

## SCHEDULE XIII.

## FORM OF NOTICE OF SALE.

## SCHEDULE XIV.

## SCALE OF FERRULES IN BUILDINGS.

## SCHEDULE XV.

## RULES AS TO DRAINS.

## RULE.

1. Material and joints.
2. Size.
3. Angles.
4. How to be laid.
5. Prohibition of inlet within building.
6. Traps.
7. Ventilation.
8. Soil-pipe of connected privy or water-closet.

## RULE.

9. Ventilation of soil-pipe of connected privy or water-closet detached from building.
10. Waste-pipes.
11. Open house-drains.
12. Type plans.
13. Drains passing beneath a building.

## SCHEDULE XVI.

## RULES AS TO PRIVIES AND URINALS.

1. Regulation of site of privies.
2. Substitution of connected privies for service privies.
3. Provision of access to service privy from street.
4. Models and type-plans.
5. Drain.
6. Floor.
7. Walls and roof.
8. Platform.
9. Ventilation of privies in, or adjacent to, buildings.
10. Regulation of service privies constructed for use in combination with a moveable receptacle for sewage.
11. Masonry wall for water-closet.
12. Cistern.
13. Water-trap.
14. Prohibition of containers and D-traps.
15. Soil-pipe.
16. Enforcement of the foregoing rules in the case of future privies or urinals.

## RULE.

17. Enforcement of certain of the foregoing rules in the case of existing privies or urinals.

## SCHEDULE XVII.

## RULES AS TO THE USE OF BUILDING SITES AND THE EXECUTION OF BUILDING WORK.

## RULE.

*Part I.—Building Sites.*

1. Conditions as to use of building sites.

*Part II.—Buildings generally.*

2. Height.
3. Level of floor.
4. Building over municipal drain.
5. Passage for access to building from street.
6. Distance between building line and street alignment.

*Part III.—Masonry Buildings generally.*

7. Foundation.
8. Plinth.
9. Footings for walls.
10. Outer walls.
11. Bonding of walls.
12. Damp-proof course.
13. Walls in buildings of more than one storey.
14. Floors.
15. Beams and girders.
16. Terrace roofs.

*Part IV.—Dwelling-houses and other Domestic Buildings.*

17. Proportion of site for dwelling-house which may be built upon.

## RULE.

18. Area of site for detached dwelling-house.
19. Every room of dwelling-house to be open to outer air.
20. Size and ventilation of inhabited rooms.
21. Interior courtyard of dwelling-house.
22. Open space in rear of building.
23. Relaxation of rule 22 in case of irregular site.
24. Open space at sides of building.
25. Interior courtyards and outward open spaces to be raised and kept open.
26. Prohibition of rooms over privies.
27. Further provisions as to dwelling-houses in bustees.

*Part V.—Buildings of the Warehouse Class.*

28. Height of buildings of the warehouse class.
29. Open spaces for buildings of the warehouse class.

*Part VI.—Application for Approval of Sites for, and for Permission to erect or re-erect Masonry Buildings.*

30. Application for approval of site for erection or re-erection of masonry building.
31. Application to be sent, and particulars furnished by person intending to

## RULE.

- erect or re-erect a masonry building.
32. Option to send such applications together.
33. Signature of plans, elevations, and sections.
34. Formulation of requirements and objections.
35. Chairman to sign approved plans.
36. Fresh application after refusal to approve site, or to permit execution of work.

*Part VII.—Huts.*

37. Continuous lines.
38. Passages.
39. Use of passages.
40. Courtyard.
41. Space.
42. Distance of huts from metalled and sewered street.
43. Distance between hut and masonry building.
44. Prohibition of projections or dropping of water over street or passage.
45. Height.
46. Plinth.

*Part VIII.—Applications for Permission to erect or re-erect Huts.*

47. Application for permission to erect or re-erect a hut.
48. Power of Chairman to require further information or a proper site-plan.

## RULE

49. Fresh application after refusal of permission to erect or re-erect a hut.

*Part IX.—Application of Rules to Alterations of and Additions to Buildings.*

50. Relaxation of rule 2.  
51. Restriction on application of rule 27.  
52. Restriction on application of rules 30 to 36 or 47 to 49.  
53. Grant of provisional permission to proceed with work in cases of urgency.

## SCHEDULE XVIII.

CERTAIN PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENSE.

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## SCHEDULE XIX.

REGISTRATION OF BIRTHS.

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## SCHEDULE XX.

REGISTRATION OF DEATHS.

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## SCHEDULE XXI.

FORM OF NOTICE TO BE AFFIXED ON PREMISES WHEN OTHER MEANS OF SERVICE NOT AVAILABLE.

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# BENGAL ACT NO. III. OF 1899.

## THE CALCUTTA MUNICIPAL ACT, 1899.

RECEIVED L.-G.'S ASSENT, 20TH OCTOBER, AND G.-G.'S,  
11TH NOVEMBER, 1899.

*An Act to amend the Law relating to the Municipal Affairs of the Town and Suburbs of Calcutta, and to authorize the Extension of the same to the Town of Howrah.*

WHEREAS it is expedient to amend, in the manner hereinafter appearing, the law relating to the municipal affairs of the Town and Suburbs of Calcutta, and to authorize the extension of the same to the Town of Howrah ;

and whereas the previous sanction of the Governor-General has been obtained, under section 5 of the Indian Councils Act, 1892,\* to the provisions of this Act which affect Acts passed by the Governor-General of India in Council ;

It is hereby enacted as follows :—

### PART I.

#### CHAPTER I.—PRELIMINARY.

Short title, extent,  
and commencement.

1. (1) This Act may be called the Calcutta Municipal Act, 1899.

(2) Except as is hereinafter otherwise expressly provided, it applies only to Calcutta ; and

(3) It shall come into force on the first day of April, 1900 :

Provided that any election or appointment of Commissioners or members of the General Committee may be held or made at any time after this Act is first published in the Calcutta Gazette after having received the assent of the Governor-General, but an election or appointment so held or made shall not take effect until the said first day of April, 1900.

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\* Stat. 55 & 56 Vict., c. 14.

Ben. Act  
III. 1899,  
ss. 2, 3.

**2.** (1) On and from the said first day of April, 1900, Repeal of enact- Bengal Act II. of 1888 (hereinafter called "the Calcutta Municipal Consolidation Act"), and so much of Act XII. of 1888 (*an Act to supplement certain provisions of the City of Bombay Municipal Act, 1888,\* and of the Calcutta Municipal Consolidation Act†*) as relates to the Calcutta Municipal Consolidation Act, shall be repealed.

(2) All budgets passed, and assessments, valuations, measurements, and divisions made, under any enactment hereby repealed, or under any enactment repealed thereby, shall (so far as they are consistent with this Act, and are in force at the commencement of this Act) be deemed to have been respectively passed and made under this Act.

**3.** For the purposes of this Act, unless there is any-  
Definitions. thing repugnant in the subject or con-  
text,—

(1) "bazar" means any place of trade (other than a  
"Bazar" market) where there is a collection of  
shops or warehouses;

(2) "budget-grant" means a sum entered on the ex-  
"Budget-grant." penditure side of a budget-estimate  
which has been finally adopted, and  
includes also any sum by which a budget-grant is at any  
time increased by a transfer under section 126, clause (c);

(3) "building-line" means a line (in rear of the street  
"Building-line." alignment) up to which the main wall  
of a building abutting on a street may  
lawfully extend;

(4) "building of the warehouse class" means a ware-  
"Building of the warehouse class." house, factory, manufactory, brewery,  
or distillery, and any other masonry  
building exceeding in cubical extent one hundred and fifty  
thousand cubic feet which is not a "public building" as  
defined in this section;

\* Bom. Act III. of 1888.

† Ben. Act II. of 1888.

(5) "bustee" means an area containing land occupied by or for the purposes of any collection of huts—  
 "Bustee." Ben. Act III. 1899, s. 3.

(a) standing on a plot of land not less than ten cottahs in area, and bearing one number in the assessment-book, or

(b) standing on two or more plots of land which are adjacent to one another, and exceed in the aggregate one bigha in area ;

(6) "bustee land" means land in a bustee which is let out for the building of huts under an arrangement by which the tenant of the land is the owner of the hut ;  
 "Bustee land."

(7) "Calcutta" means, subject to the exclusion or inclusion of any local area by notification under section 637, the area described in Schedule I ;  
 "Calcutta."

(8) "carriage" means any wheeled vehicle, with springs or other appliances acting as springs, which is used for the conveyance of human beings, and includes a jinrickshaw, a bicycle, and a tricycle ;  
 "Carriage."

(9) "cart" means any cart, hackery, or wheeled vehicle, with or without springs, which is not a "carriage" as defined in this section ;  
 "Cart."

(10) "connected privy" means a privy (other than a water-closet) which is directly connected with a sewer ;  
 "Connected privy."

(11) the expression "cubical extent," when used with reference to the measurement of a building, means the space contained within the external surface of its walls and roof and the upper surface of the floor of its lowest or only storey ;  
 "Cubical extent."

Ben. Act  
III. 1899, case."

"Dangerous dis- (12) "dangerous disease" means—

s. 3.

(a) cholera, plague, small-pox, diphtheria, enteric fever, and typhoid fever; and

(b) any other epidemic, endemic, or infectious disease which the Local Government may, by notification in the Calcutta Gazette, declare to be a dangerous disease for the purposes of this Act;

(13) "depôt" means a place where bulky articles are stored, whether for sale or otherwise, in quantities exceeding fifty maunds;

(14) "domestic building" includes a dwelling-house and any other masonry building which is neither a "building of the warehouse class" nor a "public building" as defined in this section, nor a place exclusively used for private worship;

"Domestic purposes." (15) a supply of water for domestic purposes shall not be deemed to include a supply—

(a) for animals, or for washing carriages, where such animals or carriages are kept for sale or hire,

(b) for any trade, manufacture, or business,

(c) for fountains,

(d) for watering gardens or streets,

(e) for any ornamental or mechanical purpose,

(f) for building purposes, or

(g) for flushing purposes;

(16) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel, and any other device for carrying off sullage, sewage, offensive matter, polluted water, rain-water, or sub-soil water;

"Drug."

(17) "drug" includes medicine for internal or external use;

Ben. Act  
III. 1899,  
s. 3.

(18) "dwelling-house" means a masonry building constructed, used, or adapted to be used, wholly or principally, for human habitation ;

"Habitable room." (19) "habitable room" means a room constructed or adapted to be inhabited ;

(20) "house-drain" means any drain of, and used for the drainage of, one or more buildings or premises, and made merely for the purpose of communicating therefrom with a municipal drain ;

(21) "house-gully" means a passage or strip of land constructed, set apart, or utilised for the purpose of serving as a drain, or of affording access to a privy, urinal, cesspool, or other receptacle for filthy or polluted matter to municipal servants, or to persons employed in the cleansing thereof, or in the removal of such matter therefrom, and includes the air-space above such land ;

(22) "hut" means any building no material portion of which above the plinth level is constructed of masonry ;

(23) "inhabited room" means a room in which some person passes the night, or which is used as a living room, and includes a room with respect to which there is a probable presumption (until the contrary is shown) that some person passes the night therein, or that it is used as a living room ;

(24) "market" includes any place where persons periodically assemble for the sale of meat fish, fruit, vegetables, or live-stock ;

"Masonry building." (25) "masonry building" means any building other than a hut ;

"Municipal drain." (26) "municipal drain" means a drain vested in the Corporation ;

Ben. Act  
 Ill. 1899,  
 s. 3. (27) "municipal market" means a market belonging to or maintained by the Corporation ;

(28) "municipal slaughter-house" means a slaughter-house belonging to or maintained by the Corporation ;

(29) "nuisance" includes any act, omission, place, or thing which causes or is likely to cause injury, danger, annoyance, or offence to the sense of sight, smell, or hearing, or which is or may be dangerous to life or injurious to health or property ;

(30) "occupier" means any person for the time being paying, or liable to pay, to the owner, the rent or any portion of the rent of the land or building in respect of which the word is used, and includes an owner living in his own house or hut ;

(31) "offensive matter" means dung, dirt, putrid or putrefying substances, and filth of any kind which is not included in "sewage" as defined in this section ;

(32) "owner" includes the person for the time being receiving the rent of any land or building, or of any part of any land or building, whether on his own account or as agent or trustee for any person or society, or for any religious or charitable purpose, or who would so receive the same if the land, building, or part thereof were let to a tenant ;

(33) "party-wall" means a wall forming part of a building, and used or constructed to be used for the support and separation of adjoining buildings belonging to different owners, or constructed or adapted to be occupied by different persons ;

(34) the word "platform," when used with reference to a privy, means the surface containing the aperture through which the sewage passes into the receptacle or sewer :

Ben. Act  
III. 1899,  
s. 3.

(35) "private street" means any street, road, square, court, alley, passage, or riding path which is not a "public street" as defined in this section, but does not include a pathway made by the owner of a building on his own land to secure access to, or the convenient use of, such building ;

(36) "public building" means a masonry building constructed, used, or adapted to be used—

- (a) as a place of public worship, or as a school, college, or place of instruction (not being a dwelling-house so used), or as a hospital, workhouse, public theatre, public hall, public concert-room, public ball-room, public lecture-room, public library, or public exhibition-room, or as a public place of assembly, or

(b) for any other public purpose, or

- (c) as an hotel, lodging-house, home, refuge, or shelter, where the building exceeds in cubical extent two hundred and fifty thousand cubic feet, or has sleeping accommodation for more than one hundred persons ;

(37) "public street" means any street, road, square, court, alley, passage, or riding path, whether a thoroughfare or not, over which the public have a right of way,

and includes—

- (a) the roadway over any public bridge or causeway,
- (b) the footway attached to any such street, public bridge (other than the Howrah bridge), or causeway, and
- (c) the drains attached to any such street, public bridge, or causeway,

Ben. Act  
III. 1899,  
s. 3.

and, where there is no drain attached to any such street, shall be deemed to include also, unless the contrary is shown, all land up to the outer wall of the premises abutting on the street, or, if a street alignment has been fixed, then up to such alignment ;

“Railway.” (38) “railway” includes a tramway ;

“Re-erect.” (39) the expression “re-erect,” when used with reference to a building, includes—

- (a) the re-construction of a building after more than one-half its cubical extent has been taken down or burnt down, or has fallen down,
- (b) the conversion of one or more huts or temporary structures into a masonry building, and
- (c) the conversion into a place for human habitation of any building not originally constructed for human habitation :

*Explanation.*—Clause (a) applies whether the re-construction takes place (after the commencement of this Act) entirely at the same time, or by instalments at different times, and whether more than half the cubical extent has (after the commencement of this Act) been taken down or burnt down, or has fallen down, at the same time or at different times ;

(40) (a) a person shall be deemed to “reside” in any dwelling-house or hut which, or some portion of which, he sometimes uses, although not uninterruptedly, as a sleeping apartment, and

“Reside.”

- (b) a person shall not be deemed to cease to "reside" in any such dwelling-house or hut merely because he is absent from it, or has elsewhere another dwelling-house or hut in which he resides, if there is the liberty of returning to it at any time, and no abandonment of the intention of returning to it;

Ben. Act  
III. 1899,  
s. 3.

(41) "rubbish" means dust, ashes, broken bricks, mortar, broken glass, kitchen or stable refuse, and refuse of any kind which is not \*offensive matter" as defined in this section;

(42) "service-privy" means a privy which is cleansed by hand, but does not include a bath-room used as a privy;

"Sewage." (43) "sewage" means night-soil and other contents of privies, urinals, cesspools, or drains;

(44) "sky-sign" means any word, letter, model, sign, device, or other representation, in the nature of an advertisement, announcement, or direction, which is supported on or attached to any post, pole, standard, framework, or other support, wholly or in part upon, over, or above any building or structure, and which is, wholly or in part, visible against the sky from any point in any street or public place, and includes—

(a) every part of such support, and

(b) any balloon, parachute, or similar device employed, wholly or in part, for the purposes of any advertisement or announcement on, over, or above any building, structure, or erection of any kind, or on or over any street or public place;

but shall not be deemed to include—

(i) any flagstaff, pole, vane, or weathercock, unless adapted or used, wholly or in part, for the purposes of any advertisement or announcement,

Ben. Act  
III. 1899,  
ss. 4, 5.

(ii) any sign on any board, frame, or other contrivance securely fixed to or on the top of the wall or parapet of any building, on the cornice or blocking-course of any wall, or to the ridge of a roof, if such contrivance be of one continuous face, and not open work, and do not extend in height more than three feet above any part of such wall, parapet, or ridge, or

(iii) any representation which relates exclusively to the business of a Railway Company, and which is placed wholly upon or over any railway, railway-station, yard, platform or station-approach, or premises belonging to a Railway Company, and which is also so placed that it could not fall into any street or public place;

(45) “slaughter-house” means any place used for the slaughter of cattle, sheep, goats, kids, or pigs for the purpose of selling the flesh thereof as meat;

“Street.” (46) “street” means a public or private street; and

(47) “street alignment” means a line dividing the land comprised in and forming part of a street from the adjoining land.

4. The General Committee may decide whether any particular land is or is not a “bustee” or “bustee land” as defined in section 3, and their decision shall be final.

Power to decide whether land is a bustee or bustee land.

## PART II.—CONSTITUTION AND GOVERNMENT.

### CHAPTER II.—MUNICIPAL AUTHORITIES.

Enumeration of municipal authorities.

5. The municipal authorities charged with carrying out the provisions of this Act are—

- (1) a Corporation,
- (2) a General Committee of the Corporation, and
- (3) a Chairman of the Corporation.

Ben. Act  
III. 1899,  
ss. 6-9.

*Constitution of the Corporation.*

**6.** The Corporation shall consist of the Chairman and fifty Commissioners to be elected or appointed as hereinafter provided, and shall, by the name of "the Corporation of Calcutta," be a body corporate, and have perpetual succession and a common seal, and may, by such name, sue and be sued.

**7.** All property, moveable and immovable, and all interests of whatsoever nature or kind vested in the Corporation, now vested in or held in trust for the Commissioners of Calcutta, with all rights of whatsoever description now used, enjoyed, or possessed by the said Commissioners, shall be vested in the Corporation.

**8.** (1) Twenty five of the Commissioners referred to in section 6 shall be elected at ward elections.

(2) The remaining Commissioners shall be appointed as follows, namely :—

- (a) four by the Bengal Chamber of Commerce,
- (b) four by the Calcutta Trades Association.
- (c) two by the Commissioners for the Port of Calcutta, and
- (d) fifteen by the Local Government.

(3) The Local Government shall make rules to regulate the appointment of Commissioners under clauses (a), (b), and (c) of sub-section (2).

*Constitution of the General Committee.*

**9.** (1) The General Committee shall consist of twelve members and the Chairman, who shall be President of the Committee.

Ben. Act (2) The said twelve members shall be Commissioners,  
 III. 1899, and shall be respectively elected and appointed as follows,  
 s. 10. that is to say :—

(a) four shall be elected by the Ward Commissioners,

(b) four shall be elected by the Commissioners appointed under clauses (a), (b), (c), and (d) of section 8, and

(c) four shall be appointed by the Local Government.

(3) The Local Government may make rules to regulate the election of members under clauses (a) and (b) of sub-section (2).

**10.** Every election or appointment of a Commissioner  
 Term of office of to be a member of the General Com-  
 ordinary members. mittee shall have effect for a period of  
 one year :

**Provided as follows :—**

(a) if any Commissioner so elected or appointed does not accept office as such member, or dies, resigns, or becomes disqualified to act, or incapable of acting as such member before the expiration of the prescribed period, the vacancy shall be filled up, as soon as conveniently may be, by making a new election or appointment under section 9, sub-section (2); and any Commissioner so newly elected or appointed shall be a member of the Committee for the period during which such first-mentioned Commissioner would have been or remained a member ;

(b) the General Committee in existence when the Commissioners cease to hold office as such shall continue to hold office until such time as a new General Committee is formed under section 9, notwithstanding that the members of the said Committee or some of them may no longer be Commissioners.

*Appointment of the Chairman.*

Ben. Act  
III. 1899,  
ss. 11-14.

**11. (1)** The Local Government shall, from time to time, appoint a proper person to be Chairman of the Corporation.

Appointment and removal of Chairman.

(2) The Chairman may be removed from his office by the Local Government at its discretion, and shall be removed from his office if his removal be recommended by a resolution which has been passed at a special meeting, and in favour of which not less than two-thirds of the Commissioners present at the meeting have voted.

Chairman's salary and house-rent allowance.

**12. (1)** The Chairman shall receive such salary as may, from time to time, be fixed by the Local Government.

(2) Unless a suitable official residence is provided for the Chairman by the Corporation, the Local Government may, if it thinks fit, direct the payment to him of a house-rent allowance not exceeding five hundred rupees *per mensem*, in addition to his salary.

*Functions of the several Municipal Authorities.*

Respective functions of the municipal authorities.

**13. (1)** The respective functions of the several municipal authorities shall be such as are specifically prescribed by or under this Act.

(2) If any doubt arises as to the municipal authority to which any particular function pertains, the Chairman shall refer the matter to the Local Government, whose decision shall be final.

(3) Except as is in this Act otherwise expressly provided, the municipal government of Calcutta vests in the Corporation.

**14.** In addition to the other duties and powers conferred or imposed on them by or under this Act or any other Act for the time being in force—

Special functions of the Corporation.

Ben. Act  
III 1899,  
s. 14.

(1) it shall be the duty of the Corporation—

- (a) to devote, to the completion and extension of drainage works throughout Calcutta, and the opening-out and improvement of bustees, not less than two lakhs of rupees annually, or such smaller sum as the Local Government may approve, to be raised as provided by section 128, and
- (b) to devote, to the permanent and progressive improvement of the area newly added to Calcutta by the Calcutta Municipal Consolidation Act,\* not less than three lakhs of rupees annually from the receipts of the General Fund, the Water-supply Fund, and the Lighting Fund :

Provided that the instalments of interest and Sinking Fund payable on any capital sum expended for the improvement of the said area shall be taken as part of the said three lakhs of rupees :

Provided also that, if more than three lakhs of rupees be spent for the improvement of the said area in any year, the excess may be deducted from the amount to be spent in the next following year ; and

(2) the Corporation may, in their discretion, provide from time to time, either wholly or partly, for all or any of the following matters, namely :—

- (i) the planting and preservation of trees in streets and public places ;
- (ii) the construction, alteration, maintenance, and adornment of public halls, offices, and other buildings under the control of the Corporation, or required for municipal purposes ;
- (iii) the laying-out and maintenance of squares and gardens ;

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\* Ben. Act II. of 1888.

- (iv) the survey of buildings and lands, and the preparation of plans ;
- (v) the construction and maintenance of hospitals and alms-houses ;
- (vi) vaccination ;
- (vii) the promotion of primary and technical education ;
- (viii) the provision of free libraries ;
- (ix) with the previous sanction of the Local Government, the payment of contributions to the cost incurred on the occasion of any public ceremony or entertainment held in Calcutta ;
- (x) the payment of contributions to the Commissioners of any neighbouring municipality for expenditure on sanitary purposes ; and
- (xi) any other matter which is likely to promote the public health, safety, or convenience, or the carrying-out of this Act.

Ben. Act  
III. 1899,  
s. 15.

**15.** Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the Corporation or the General Committee, as the case may be, and subject also to all other restrictions, limitations, and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act shall vest in the Chairman, who shall also—

- (a) perform all the duties, and exercise all the powers, specifically imposed or conferred upon him by this Act ;
- (b) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, and, subject to the provisions of Chapter VI., dispose of all questions relating to the service of the said officers and servants, and their pay, privileges, and allowances ;

Ben. Act  
III. 1899,  
ss. 16, 17.

(c) on the occurrence or the threatened occurrence of any sudden accident or unforeseen event involving, or likely to involve, extensive damage to any property of the Corporation or danger to human life, take such immediate action as the emergency shall appear to him to justify or to require, reporting forthwith to the General Committee, and to the Corporation, when he has done so, the action he has taken, and his reasons for taking the same, and the amount of cost, if any, incurred, or likely to be incurred, in consequence of such action, when such cost is not covered by a current budget-grant.

**16. (1)** In any case in which it is provided by or under this Act that the Chairman may take action subject to the approval, sanction, consent, or concurrence of the General Committee, such Committee may, by resolution in writing, authorize him to take such action in anticipation of their approval, sanction, consent, or concurrence, as the case may be, subject to such conditions (if any) as may be specified in such resolution.

(2) Whenever the Chairman, in pursuance of any such resolution, takes any action in anticipation of the approval, sanction, consent, or concurrence of the General Committee, he shall forthwith inform the Committee of the fact.

**17. (1)** The Chairman shall, as soon as may be after each first day of April, have prepared a detailed report of the municipal administration of Calcutta during the previous financial year, together with a statement showing the amounts of the receipts and disbursements, respectively, credited and debited to the respective municipal funds during the said year, and the balance at the credit of each of the said funds at the close of the said year.

Annual administration report and statement of accounts by Chairman.

(2) The Chairman shall incorporate with his said report and statement—

Ben. Act  
III. 1899,  
s. 18.

(a) a report for the same period from each head of a department subordinate to him, and

(b) a statement showing the receipts and expenditure from borrowed funds and the balances of such funds then in hand ;

and shall cause the same to be printed.

(3) After examination and review of the said printed reports and statements by the General Committee and the Corporation, the Chairman shall add to the compilation printed copies of such of the appendices attached to the reports of the several heads of departments, if any, as the General Committee may direct, and a printed copy of the General Committee's and Corporation's reviews ;

and a copy of the complete compilation shall be forwarded, as soon as may be after the thirtieth day of June, to the usual or last-known local place of abode of each Commissioner, and to the Local Government :

Provided that, if the review by the General Committee or the review by the Corporation be not completed by the said thirtieth day of June, the Chairman shall forward the other documents to the Local Government forthwith, and shall forward such review to the Local Government afterwards :

Provided, further, that such documents shall not be forwarded to the Local Government until they have been for seven clear days before the General Committee, and for a like period before the Corporation.

(4) Copies of all the aforesaid documents shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as the Chairman, with the approval of the General Committee, may determine.

**18. (1)** The Chairman may, by general or special order

Delegation of certain of Chairman's functions to municipal officers.

in writing, delegate to any municipal officer any of the Chairman's powers, duties, or functions under this Act, or any rule, bye-law, or regulation made

Ben. Act  
III. 1899,  
s. 18. hereunder, except those conferred or imposed upon, or vested in, him by the following sections or sub-sections of this Act, namely:—

section 33,	section 465,
„ 53,	„ 466,
„ 77,	„ 472,
„ 80,	„ 475,
„ 81,	„ 476,
„ 90, sub-section (4),	„ 477,
„ 99,	„ 478,
„ 113,	„ 485,
„ 117,	„ 488,
„ 188,	„ 489,
„ 119, sub-section (3),	„ 494,
„ 120,	„ 502,
„ 247, sub-section (1),	„ 504,
„ 247, sub-section (2),	„ 509,
„ 256, sub-section (2),	„ 510,
„ 267, sub-section (1),	„ 511,
„ 284,	„ 515,
„ 290,	„ 518,
„ 291,	„ 524,
„ 292, sub-section (2),	„ 525,
„ 296,	„ 526, sub-section (2),
„ 299,	„ 540,
„ 300,	„ 542,
„ 426,	„ 543,
„ 427,	„ 545,
„ 430,	„ 586, sub-section (2),
„ 445,	„ 586, sub-section (3),
„ 459,	„ 586, sub-section (5),
„ 460,	„ 614,
„ 463,	„ 633:
„ 464,	

Provided as follows:—

- (a) the Chairman shall not delegate his power under section 65, sub-section (3), to make appointments to offices carrying a salary of more than one hundred rupees *per mensem*;

(b) the Chairman shall not delegate to any municipal officer his power under section 70 to fine, reduce, suspend, or dismiss any employé, or his power under section 74 to grant leave of absence and leave allowances to any employé, unless such employé was appointed by such officer by virtue of a delegation of the Chairman's powers of appointment conferred by section 65 ;

Ben. Act  
III. 1899,  
s. 19.

(c) the Chairman shall not delegate his power under section 86 to make, on behalf of the Corporation, any contract involving an expenditure exceeding one thousand rupees ;

(d) when, by any order made under this section, any power to enter premises between sunset and sunrise is delegated to any municipal officer, the name of such officer must be specified in the order, as well as his official designation ;

(e) when the Chairman, by any order made under this section, delegates to any municipal officer any power or duty which is exerciseable or is required to be performed subject to the approval or with the sanction of the Corporation, the Chairman shall send a copy of such order to the Corporation.

(2) The exercise or discharge by any municipal officer of any powers, duties, or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations (if any) as may be prescribed in the said order, and also to control and revision by the Chairman.

### 19. The exercise or performance by any municipal

Exercise of functions to be subject to sanction of the necessary expenditure.

authority of any power conferred, or duty imposed, by or under this Act, which will involve expenditure, shall, except in any case specified in the pro-

Ben. Act  
III. 1899,  
ss. 20, 21. visó to section 115, be subject to the following conditions,  
namely :—

- (a) that such expenditure, so far as it is to be incurred in the year in which such power is exercised, or duty performed, must be provided for under a current budget-grant, and
- (b) that, if the exercise of such power or the performance of such duty involves, or is likely to involve, expenditure for any period or at any time after the close of the said year, liability for such expenditure shall not be incurred without the sanction of the Corporation :

Provided that clause (b) shall not apply where the proposed expenditure is covered by a current budget-grant, and is such that it can be discontinued in the next year's budget.

*Control by Local Government over Municipal Authorities.*

**20.** When any project is framed by any municipal authority for the execution of any work or series of works, the entire estimated cost of which amounts to one lakh of rupees or more, then, notwithstanding that the cost may be included in a budget-estimate as finally adopted under Chapter IX.,—

- (a) the work shall not be commenced until the project has been sanctioned by the Local Government, and,
- (b) if any material change be made in the project after it has been so sanctioned, such change shall not be carried into effect unless and until it is sanctioned by the Local Government.

Power of Local Government to require returns, &c.

**21.** The Local Government may require the Chairman to furnish it with—

- (a) any return, statement, estimate, statistics, or other information regarding any matter under the control of any municipal authority,
- (b) a report on any such matter, or
- (c) a copy of any document in his charge.

Ben. Act  
III. 1899,  
ss. 22-23.

**22. (1)** The Local Government may, on receipt of any information, depute any officer or officers to make an inspection or examination of any department, office, service, work, or thing under the control of any municipal authority, and to report to it the result of such inspection or examination.

(2) Any officer so deputed may, for the purpose of making such inspection or examination, inspect the condition of any part of Calcutta, and may require the Chairman—

- (a) to produce any record, correspondence, plan, or other document which is in his possession or under his control as Chairman, or which is recorded or filed in his office, or in the office of any municipal officer or servant,
- (b) to furnish any return, plan, estimate, statement, account, or statistics, or
- (c) to furnish a report by himself, or to obtain a report from any head of a department subordinate to him, and furnish the same with his own remarks thereon.

(3) Every requisition made under sub-section (2) shall be complied with by the Chairman without unreasonable delay.

**23. (1)** If, on receipt of any document furnished under section 21, or any report submitted under section 22, the Local Government is of opinion—

Power to require municipal authority to take action.

Ben. Act  
III, 1899,  
s. 24.

(a) that any of the duties imposed on any municipal authority by or under this Act has not been performed, or has been performed in an imperfect, inefficient, or unsuitable manner, or

(b) that adequate financial provision has not been made for the performance of any such duty,

the Local Government may, by written order, direct the municipal authorities, or any of them, within a period to be specified in the order,—

(i) to make arrangements to its satisfaction for the proper performance of the duties referred to in clause (a), or to make financial provision to its satisfaction for the performance of any such duty, as the case may be, or

(ii) to show cause to the satisfaction of the Local Government against the making of such arrangements or provision, as the case may be.

(2) Any municipal authority affected by an order made under sub-section (1) may, within thirty days from the receipt of the order, transmit through the Local Government a petition of appeal to the Government of India praying that the order be withdrawn.

(3) No action directed by any such order shall be suspended in consequence of the transmission of any such petition unless the Government of India, upon receipt of the petition, so direct.

**24.** (1) If, within the period fixed by any order issued under section 23, any action directed under clause (i) of that section has not been duly taken, and cause has not been shown as aforesaid, the Local Government may, by order,—

Procedure where municipal authority fails to take action.

(a) appoint some person to take the action so directed,

(b) fix the remuneration to be paid to him, and

- (c) direct that such remuneration and the cost of taking such action shall be defrayed out of the municipal funds, and, if necessary, that any one or more of the rates or other taxes authorized by Part IV. shall be levied or increased, but not so as to exceed any *maximum* prescribed by that Part.

Ben. Act  
III. 1899,  
s. 25.

(2) The person appointed under sub-section (1) may, for the purpose of taking the action directed as aforesaid, exercise any of the powers conferred on any municipal authority by or under this Act which are specified in this behalf in the order issued under sub-section (1).

(3) With the previous sanction of the Government of India, the Local Government may, in addition to, or instead of, directing under sub-section (1) the levy or increase of any rates or other taxes, direct, by notification in the Calcutta Gazette, that any sum of money, which may, in its opinion, be required for giving effect to any order issued under that sub-section, be borrowed, by way of debenture, on the security of all or any of the said rates or other taxes, at such rate of interest, and upon such terms as to the time of repayment and otherwise, as may be specified in the notification.

(4) The provisions of sections 131 to 141 shall apply to any loan raised in pursuance of sub-section (3).

### CHAPTER III.—APPOINTMENT OF VICE-CHAIRMAN AND DEPUTY CHAIRMAN.

**25.** (1) The Corporation, at a special meeting to be held for the purpose, may, from time to time, appoint, for such period as they may think fit, a proper person to be Vice-Chairman of the Corporation.

Appointment, salary  
and removal of Vice-  
Chairman.

(2) The Vice-Chairman shall receive such salary as may, from time to time, be fixed by the Corporation, not being more than fifteen hundred, nor less than one thousand, rupees *per mensem*.

**Ben. Act** (3) Every such appointment and salary shall be subject  
**III, 1899,** to the approval of the Local Government.  
**ss. 26, 27.**

(4) The Vice-Chairman shall not be removed from his office, otherwise than at the end of the term for which he was appointed, except in accordance with a resolution which has been passed at a special meeting, and in favour of which not less than two-thirds of the Commissioners present at the meeting have voted.

**26. (1)** The Local Government may, if it appears to it to be expedient so to do, appoint a proper person to be Deputy Chairman of the Corporation.

Appointment and salary of Deputy Chairman.

(2) The Deputy Chairman shall receive such salary as may, from time to time, be fixed by the Local Government, not being more than fifteen hundred, nor less than one thousand, rupees *per mensem*.

#### CHAPTER IV.—SPECIAL PROVISIONS AS TO CHAIRMAN, VICE-CHAIRMAN, AND DEPUTY CHAIRMAN.

**27. (1)** No person shall be eligible for the office of Chairman, Vice-Chairman, or Deputy Chairman if he has, directly or indirectly, by himself or his partner or employer or employé, any share or pecuniary interest in any contract or employment with, by, or on behalf of, the Corporation.

Prohibition of having share or interest in contract or employment with Corporation.

(2) If the Chairman, Vice-Chairman, or Deputy Chairman acquires, directly or indirectly as aforesaid, any share or interest as aforesaid, otherwise than as Chairman, Vice-Chairman, or Deputy Chairman, as the case may be, he shall cease to be Chairman, Vice-Chairman, or Deputy Chairman, as the case may be, and his office shall become vacant.

(3) Nothing in the foregoing sub-sections shall apply to any such share or interest as, under clause (ii) or clause (iv) of section 39, it is permissible for a Commissioner to have, without being thereby disqualified for being a Commissioner.

**28. (1)** No person shall be eligible for the office of **Chairman, Vice-Chairman, or Deputy Chairman** if he is seriously indebted to any person.

Ben. Act  
III. 1899,  
ss. 28-31.

(2) If any person holding any of the said offices becomes so indebted, the authority which appointed him shall declare his office to be vacant.

**29.** When a servant of the Government is appointed to be Chairman, Vice-Chairman, or Deputy Chairman, the Corporation may pay, in addition to his salary and house allowance (if any), any contribution which may for the time being be levied by the Government in respect of his pension or leave allowances.

Contribution in respect of pension or leave allowances of Government servant appointed to be Chairman, Vice-Chairman, or Deputy Chairman.

**30.** When the Vice-Chairman is not a servant of the Government, the Corporation may, with the sanction of the Local Government, grant him a pension or gratuity on retirement, or grant a compassionate allowance to his family on his death.

Grant of pension or gratuity to Vice-Chairman, or compassionate allowance to his family.

**31.** The Chairman, the Vice-Chairman, and the Deputy Chairman, shall devote their whole time to the duties of their respective offices, and shall not engage in any other profession, trade, or business whatsoever :

Prohibition of engaging in other business with certain exceptions.

Provided that—

(a) any civil or military officer in the service of the Government may hold the office of Chairman, Vice-Chairman, or Deputy Chairman so long as he fills no office other than one of those specified in this section :

(b) the Chairman, the Vice-Chairman, or the Deputy Chairman may—

Ben. Act  
III. 1899,  
ss. 32-34.

- (i) hold the office of Commissioner under the Calcutta Port Act, 1890;\*
- (ii) be a member of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations; or
- (iii) with the sanction of the Corporation, hold the office of Chairman to any public institution or any other honorary office.

Place of residence. **32.** The Chairman, the Vice-Chairman, and the Deputy Chairman must reside in Calcutta.

**33.** The Chairman, the Vice-Chairman, and the Deputy Chairman, shall, except upon such holidays as are allowed by the Government, and unless prevented by sickness or other reasonable cause, attend daily at the municipal office for the transaction of business connected with, or arising under, this Act.

**34.** (1) The Vice-Chairman and the Deputy Chairman shall be subordinate to the Chairman, and, subject to his general direction and control, shall have the same authority as the Chairman, and shall exercise such of the powers, and perform such of the duties, of the Chairman as the Chairman may, from time to time, delegate to each of them, respectively.

(2) The Chairman shall inform the Corporation and the General Committee of the powers and duties which he, from time to time, delegates to the Vice-Chairman or the Deputy Chairman.

(3) Except as is in this Act otherwise expressly provided, the Vice-Chairman and the Deputy Chairman shall be subject to the same liabilities, restrictions, and conditions as the Chairman.

(4) All acts and things performed and done by the Vice-Chairman or the Deputy Chairman during his tenure

\* Ben. Act III. of 1890.

of his office, and in virtue thereof, shall, for all purposes, be deemed to have been performed and done by the Chairman,

Ben. Act  
III. 1899,  
s. 35.

**35. (1)** With the sanction of the Local Government, the Corporation may grant to the Chairman, Vice-Chairman, or Deputy Chairman, such leave of absence as they think fit.

Leave of absence to  
Chairman, Vice-Chair-  
man, or Deputy Chair-  
man.

(2) The allowance to be paid to the Chairman, Vice-Chairman, or Deputy Chairman, while absent on leave, shall be of such amount, not exceeding his salary, as may be fixed, in the case of the Chairman or Deputy Chairman, by the Local Government, and, in the case of the Vice-Chairman, by the Corporation :

Provided that, if the Chairman, Vice-Chairman, or Deputy Chairman is a Government officer, the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowances of officers of his class.

(3) Whenever leave of absence is granted to the Chairman or Deputy Chairman, the Local Government may appoint a person to act as Chairman, or Deputy Chairman, as the case may be.

(4) The salary and house-rent allowance (if any) of any person acting as Chairman under this section, and the salary of any person acting as Deputy Chairman under this section, shall be fixed by the Local Government, subject to the provisions of sections 12 and 26, respectively.

(5) Whenever leave of absence is granted to the Vice-Chairman, the Corporation may, subject to the provisions of section 25, appoint a person to act as Vice-Chairman, and fix his salary.

(6) Any person appointed to act as Chairman, Vice-Chairman, or Deputy Chairman, shall exercise the powers, and perform the duties, conferred by or under this Act, or any other enactment for the time being in force, on the Chairman, Vice-Chairman, or Deputy Chairman, as the case

**Ben. Act** may be, and shall be subject to the same liabilities, restric-  
**III. 1899,** tions, and conditions as the Chairman, Vice-Chairman, or  
**ss. 36, 37.** Deputy Chairman, as the case may be.

## CHAPTER V.—ELECTION AND APPOINTMENT OF COMMISSIONERS.

### *Qualifications of Voters and Commissioners.*

**36.** A municipal election-roll shall be prepared and  
 Municipal election- published in the manner prescribed  
 roll. in the rules contained in Schedule IV.

**37. (1)** A person or a company, body corporate, firm,  
 Qualifications of vo- Hindu joint-family, or other associa-  
 ters at elections. tion of individuals, shall not be entitled  
 to vote at an election unless he or it is enrolled in the  
 municipal election roll as a voter of the ward for which  
 such election is held.

(2) A person shall not be entitled to be enrolled in the  
 municipal election-roll as a voter of any ward unless such  
 person is of the male sex, and has attained the age of twenty-  
 one years, and resides or pays rates or other taxes under  
 this Act in Calcutta, and—

(1) has his name entered in the assessment-book  
 hereinafter prescribed as showing that he  
 is—

(a) the owner and occupier of some land or build-  
 ing in Calcutta separately numbered and  
 valued for assessment purposes at not less  
 than *one hundred and fifty rupees per an-  
 num*; or

(b) the owner of some land or building in Cal-  
 cutta separately numbered and valued for  
 assessment purposes at not less than *three  
 hundred rupees per annum*; or

- (c) the occupier of some building in Calcutta separately numbered and valued for assessment purposes at not less than *three hundred rupees per annum*; or
- (ii) has taken out a license under Class I., Class II., Class III., or Class IV. of Schedule II. for the year in which the election is held; or
- (iii) has paid, on his sole account and in his own name, not less than *twenty-four rupees*, either in respect of the consolidated rate levied under Chapter XII., or in respect of taxes levied under Chapter XIII. or Chapter XIV., or in respect of both such rate and taxes, for the year immediately preceding that in which the election is held: Provided that, if such payment or any portion thereof has been made in respect of the consolidated rate, the name of such person must be entered in the aforesaid assessment-book in respect of the payment or portion.

Ben. Act  
III. 1899,  
s. 38.

(3) A company, body corporate, firm, Hindu joint-family, or other association of individuals shall not be entitled to be enrolled in the municipal election-roll as a voter of any ward unless it pays rates or other taxes under this Act in Calcutta, and has complied with the provisions prescribed for persons by clause (i), clause (ii), or clause (iii), of subsection (2).

**38.** A person shall not be qualified to be elected to be  
 Qualification for election as a Commissioner. a Commissioner unless he is enrolled in the municipal election-roll as a voter of some ward:

Provided that, if any company, body corporate, firm, Hindu joint-family, or other association of individuals, is enrolled in the said roll as a voter of a ward, any one person duly authorized by power-of-attorney to represent such association shall be deemed to be qualified to be elected a Commissioner.

Ben. Act  
III. 1899,  
s. 39.

**39.** (1) a person shall be disqualified for being elected or appointed, and for being, a Commissioner if such person—

- (a) is of the female sex; or
- (b) has been sentenced by any Court to transportation, imprisonment, or whipping for any non-bailable offence, such sentence not having been subsequently reversed or quashed, and such person's disqualification on account of such sentence not having been removed by an order which the Local Government is hereby empowered to make, if it thinks fit, in this behalf; or
- (c) is an uncertificated bankrupt or an undischarged insolvent; or
- (d) is the Chairman or Vice-Chairman, or Deputy Chairman or a municipal officer or servant, or a plumber licensed under this Act; or,
- (e) is a Judge of a Court of Small Causes, or a Municipal Magistrate, or is acting in either of those capacities; or
- (f) has, directly or indirectly, by himself or by his partner or employer or any employé, any share or interest in any contract or employment with, by, or on behalf of, the Corporation.

(2) But a person shall not be disqualified as aforesaid, or be deemed to have any share or interest in such a contract or employment as aforesaid, by reason only of his having a share or interest in—

- (i) any lease, sale, or purchase of land, or any agreement for the same; or
- (ii) any agreement for the loan of money or any security for the payment of money only; or
- (iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or

- (iv) any incorporated company which contracts with, or is employed by, the Chairman on behalf of the Corporation :

Ben. Act  
III. 1899  
ss. 40, 41.

Provided that no Commissioner, who has, directly or indirectly, by himself or by his partner or employer or any employé, a share or interest in any matter or thing described in this sub-section, or who has acted professionally on behalf of any person having such share or interest, shall vote or take any part in any proceeding relating to that matter or thing.

Persons becoming disqualified, or absenting themselves, to cease to be Commissioners.

#### 40. Any Commissioner, who—

- (a) becomes disqualified for being a Commissioner for any reason mentioned in section 39, or
- (b) absents himself during six successive months from the meetings of the Corporation, except from temporary illness or other cause to be approved by the Corporation,

shall cease to be a Commissioner, and his office shall thereupon be vacant.

Decision by Chief Judge of Small Cause Court of questions as to disqualification.

41. Whenever it is alleged that any Commissioner has become disqualified for office for any reason aforesaid, and such Commissioner does not admit the allegation,

or whenever any Commissioner is himself in doubt whether or not he has become disqualified for office,

such Commissioner or any other Commissioner may, and the Chairman, at the request of the Corporation, shall, apply to the Chief Judge of the Court of Small Causes of Calcutta, and the said Judge, after making such inquiry, and taking such evidence, as he deems necessary, shall determine whether or not such Commissioner has become disqualified for being a Commissioner; and his decision shall be final.

Ben. Act  
III. 1899,  
§ 42-44

*Election of Commissioners under Bengal Act II. of 1888.*

**42.** (1) A general election of Ward Commissioners

General election in shall be held under the Calcutta Municipal Consolidation Act \* at such time during the month of March, 1900, as may be appointed by the Local Government.

(2) Notwithstanding anything contained in the said Act, only one Commissioner shall be elected for each ward.

*Election of Commissioners under this Act.*

**43.** (1) For the purposes of the election of Ward Com-

Wards for purposes of election. missioners, Calcutta shall be divided into twenty-five wards, the respective numbers, names, and boundaries of which are specified in Schedule III.

(2) The Local Government may, on the recommendation of the Corporation, at any time, by notification in the Calcutta Gazette, alter the boundaries of any ward as specified in the said schedule.

(3) The electors of each of the twenty-five wards may elect one Commissioner.

(4) Every person qualified to vote may give all the votes to which he is entitled in any ward to any candidate in such ward, or may distribute them amongst the candidates in such manner as he thinks fit.

**44.** (1) A person qualified to vote under sub-clause

Ward in which votes (a) or clause (iii) of section 37 shall be given. vote in the ward in which he resides, or pays the rate or taxes there mentioned.

(2) A person qualified under sub-clause (b) of section 37 shall vote in the ward in which the land or building there referred to is situated.

(3) A person qualified under sub-clause (c) of section 37 shall vote in the ward in which he is an occupier.

(4) A person qualified under clause (ii) of section 37 shall, if he pays the consolidated rate direct to the Corporation for his place of business, vote in the ward in which

\* Ben. Act II. of 1888. Repealed by this Act.

his place of business is situated ; and, if he does not pay the consolidated rate direct to the Corporation for any place of business, shall vote in the ward in which he resides.

Ben. Act  
III. 1899,  
ss. 45, 46.

**45.** A person claiming to vote under sub-clause (a) or clause (iii) of section 37 shall not be entitled to vote under any other clause of that section, and may give only one vote in the ward in which he is entitled to vote under sub-section (1) of section 44.

**46.** (1) A person qualified to vote under sub-clause (b) of section 37 may give one vote in each ward in which he is entitled to vote.

(2) Every such person shall also have additional votes according to the following scale :—

If the aggregate annual value of all the lands and buildings owned by him in the ward is not less than		Rs.		
		600	...	1 additional vote ;
ditto		1,000	...	2 additional votes ;
ditto		1,500	...	3 additional votes ;
ditto		2,000	...	4 additional votes ;
ditto	...	2,500	...	5 additional votes ;
ditto		3,000	...	6 additional votes ;
ditto		3,500	...	7 additional votes ;
ditto		4,000	...	8 additional votes ;
ditto		4,500	...	9 additional votes ;
ditto		5,000	...	10 additional votes.

**Ben. Act** Number of votes un-  
**III. 1899,** der section 37, sub-  
**ss. 47-49.** clause (c).

**47. (1)** A person qualified to vote under sub-clause (c) of section 37 may give one vote in each ward in which he is entitled to vote.

(2) Every such person shall also have additional votes according to the following scale:—

If the aggregate annual value of all the buildings occupied by him in the ward is not less than

	Rs.		
	600	...	1 additional vote ;
ditto	1,000	...	2 additional votes ;
ditto	1,500	...	3 additional votes ;
ditto	2,000	...	4 additional votes ;
ditto	2,500	...	5 additional votes ;
ditto	3,000	...	6 additional votes ;
ditto	3,500	...	7 additional votes ;
ditto	4,000	...	8 additional votes ;
ditto	4,500	...	9 additional votes ;
ditto	5,000	...	10 additional votes.

**48.** A person living in his own house or hut shall be entitled to the votes assigned to him as owner, as well as to those assigned to him as occupier.

Double votes where voter lives in his own house or hut.

**49. (1)** A person qualified to vote under clause (ii) of section 37 may, if he holds a license under Class IV. of Schedule II., give one vote for the ward in which he may be entitled to vote under this qualification.

Number of votes under section 37, clause (ii).

Ben. Act  
III. 1899,  
ss. 50-53.

(2) If any such person holds a license under Class III., Class II., or Class I. of the said Schedule, he may give one, two, or three votes, as the case may be, in addition to the vote which he might give if he held a license under Class IV. of that Schedule.

**50.** A person may give as many votes as he is entitled to under sub-clauses (b) and (c) and clause (ii) of section 37 combined, up to a maximum of ten additional votes in any one ward:

Maximum number of votes.  
Provided that no person shall give more than eleven votes in any one ward.

**51.** In sections 43 to 50, the word "person" includes, for the purposes of sub-clauses (b) and (c) and clause (ii) of section 37,—

Meaning of "person" in sections 43 to 50.

- (a) a company, body corporate, firm, Hindu joint-family, or other association of individuals, when such association is entered in the assessment-book as owner of a building or land, or as occupier of a building, or is stated in a license to be the holder of the license, and
- (b) a receiver or trustee, when he is entered or stated as aforesaid.

Government not to vote.

**52.** No vote shall be given by the Government.

**53.** (1) General elections of Commissioners shall be fixed by the Local Government to take place triennially on such days in the month of March as it may think fit.

Date of elections.

(2) Such elections shall be so fixed as to take place simultaneously in all the wards.

(3) A general election shall be held in the year 1903.

(4) Elections to fill casual vacancies shall be fixed by the Chairman to take place on such days as he may think fit as soon as conveniently may be after the occurrence of the vacancies

Ben. Act  
III. 1899,  
ss. 54-57.

**54.** Elections shall be conducted in the manner prescribed in the rules contained in Schedule V.

Publication of list of duly-retuned candidates.

**55.** A list of duly-retuned candidates for the several wards shall be published by the Chairman in the Calcutta Gazette.

**56.** (1) If there is any dispute as to whether any person whose name is entered in the list published under section 55 is qualified to be elected a Commissioner, or if the validity of any election is questioned, whether by reason of the improper rejection by the Chairman of a nomination or of the improper reception or refusal of a vote, or for any other cause, any person enrolled in the municipal election-roll may, at any time within eight days after the publication of the said list, apply to a Judge of the High Court exercising original jurisdiction:

Provided that no election shall be called in question on the ground that—

- (a) the name of any person qualified to vote has been omitted from the municipal election-roll, or
- (b) the name of any person not qualified to vote has been inserted in that roll, or
- (c) any direction given in Schedule IV. or Schedule V. has not been obeyed.

(2) If the Judge sets aside an election, or declares an election to be null and void, a fresh election shall be held.

(3) Every election not called in question in accordance with the foregoing provisions shall be deemed to have been to all intents a good and valid election.

**57.** (1) No person, whether qualified to vote or claiming to be qualified to vote at an election under this Act, shall accept or obtain, or agree to accept, or attempt to obtain, for him-

Bribery.

Ben. Act  
III. 1899,  
ss. 58, 59.

self or for any other person, any gratification whatever as a motive or reward for giving, or forbearing to give, his vote at any such election.

(2) No person shall, by any gift or reward, or by any promise or agreement or security for any gift or reward, corrupt or procure, or offer to corrupt or procure, any person to give, or forbear to give, his vote at any such election.

(3) If any person is convicted of an offence against sub-section (1) or sub-section (2), he shall, for seven years from the date of his conviction, be disqualified from voting at any election under this Act, and from being elected or appointed a Commissioner.

### *Appointment of Commissioners.*

**58. (1)** Appointments of Commissioners by the Ben-  
Appointments by Chamber of Commerce, Trades Association, and Port Commissioners. gal Chamber of Commerce, the Calcutta Trades Association, and the Commissioners for the Port of Calcutta, shall be made by the members for the time being of such Chamber or Association or the said Port Commissioners, as the case may be, in such manner as may, from time to time be determined at a meeting of the Chamber, Association, or Port Commissioners, as the case may be, convened in accordance with rules made under section 8, sub-section (3).

(2) The Secretary to the said Chamber, Association, or Port Commissioners, shall make a return in duplicate to the Chairman setting forth the name in full of every person so appointed, and the said return shall be published by the Chairman in the Calcutta Gazette.

**59. (1)** If there is no valid nomination for an election  
Appointments by Local Government. in any ward, or if the electors of any ward do not elect any Commissioner, the Local Government shall appoint a Commissioner.

(2) Appointments of Commissioners by the Local Government, whether made under sub-section (2) of section

**Ben. Act** 8, or under sub-section (1) of this section, shall be made by  
**III. 1899,** notification in the Calcutta Gazette as soon as may be after  
**ss. 60, 61.** the publication of the list of candidates returned at the  
 general election, and such appointments shall take effect  
 from the date from which the general election takes effect.

*Term of Office of Commissioners, Removals, and Filling  
 of Casual Vacancies.*

**60.** (1) Every Commissioner elected before the first  
 Term of office of day of April, 1900, otherwise than in  
 Commissioners. pursuance of section 42, and every  
 Commissioner appointed before the said day (except Com-  
 missioners appointed after the publication of the list of  
 candidates returned at the election held in pursuance of  
 section 42), shall, unless re-elected or re-appointed, cease  
 to be a Commissioner on and from that day.

(2) Every Commissioner elected in pursuance of section  
 42, every Commissioner appointed after the publication of  
 the list of candidates returned at the election held in pur-  
 suance of the said section, and every Commissioner elected  
 or appointed after the first day of April, 1900, shall be  
 elected or appointed, as the case may be, for a term of  
 three years :

Provided that, if any election or appointment be not  
 made in due time, any Commissioner who would other-  
 wise have vacated his office shall continue in office until  
 such election or appointment be duly made.

(3) At the expiration of the term or extended term  
 mentioned in sub-section (2), a Commissioner shall cease  
 to hold office as such, but shall, unless disqualified, be  
 eligible for re-election or re-appointment.

**61.** The Local Government may, if it thinks fit, on the  
 Removal of Com- recommendation of the Corporation  
 missioner. made after due inquiry, in which the  
 Commissioner concerned shall have the right to be heard,  
 remove any Commissioner elected or appointed under this  
 Act, if such Commissioner has been guilty of misconduct  
 in the discharge of his duties, or of any disgraceful conduct.

**62.** In case of the death, resignation, removal, or dis-  
 Filling of casual va- qualification of any Commissioner, a  
 cancies. person shall forthwith be elected or  
 appointed in his stead in the manner hereinbefore provided,  
 and such person shall remain a Commissioner for the resi-  
 due of the term of office of the Commissioner in whose  
 stead he was elected or appointed.

## CHAPTER VI.—MUNICIPAL OFFICERS AND SERVANTS.

Appointment and sa-  
 lary of principal offi-  
 cers.

**63.** (1) The Corporation, at a  
 special meeting to be held for the  
 purpose, may from time to time—

- (a) appoint proper persons, for such periods respec-  
 tively as they may think fit, to hold the respec-  
 tive offices of Engineer, Health Officer,  
 Secretary, Assessor, Collector, Joint Collec-  
 tor, Surveyor, and License Officer, or to hold  
 any office carrying a salary of more than one  
 thousand rupees *per mensem* which the Lo-  
 cal Government may authorize the Corpo-  
 ration to fill, and
- (b) fix the monthly salary to be paid to persons so  
 appointed :

Provided as follows :—

- (i) every appointment to the office of Engineer or  
 Health Officer shall be subject to the ap-  
 proval of the Local Government ;
- (ii) the salary assigned to the Engineer, the Health  
 Officer, or any other officer appointed to hold  
 an office carrying a salary of more than one  
 thousand rupees *per mensem*, shall be subject  
 to the approval of the Local Government ;
- (iii) the salary of the Secretary shall not exceed  
 one thousand rupees *per mensem*.

(2) Any two or more of the offices mentioned or refer-  
 red to in sub-section (1) may be held by one person.

Ben. Act  
III. 1899,  
as. 64-66.

(3) The Secretary to the Corporation shall be also Secretary to the General Committee.

Appointment and salary of other higher officers.

**64.** The General Committee may from time to time—

(a) appoint proper persons, for such periods respectively as they may think fit, to hold offices which carry a salary of more than three hundred rupees *per mensem* and are not mentioned or referred to in section 63, and

(b) fix the monthly salary to be paid to persons so appointed.

**65.** (1) The Chairman shall annually prepare and bring before the General Committee a statement setting forth the designations and grades of the officers and servants (other than those mentioned or referred to in sections 63 and 64, and other than employes who are paid by the day, or whose pay is charged to temporary work) who should, in his opinion, be maintained, and the amount and nature of the salaries, fees, and allowances which he proposes should be paid to each.

(2) The General Committee shall sanction such statement, either as it stands, or subject to such modifications as they may deem expedient, and provision for the same shall be entered in the Budget Estimate :

Provided that no new office, the aggregate emoluments of which exceed two hundred rupees *per mensem*, shall be created without the sanction of the Corporation.

(3) All appointments to offices specified in such statement as sanctioned shall be made by the Chairman.

**66.** (1) No person shall be eligible for employment as a municipal officer or servant if he has, directly or indirectly, by himself or his partner or employer or employe, any share or interest in any contract or employment with, by, or on behalf of, the Corporation.

Prohibition of having share or interest in contract or employment with Corporation.

Ben. Act  
III. 1899,  
ss. 67-70.

(2) If any municipal officer or servant acquires, directly or indirectly as aforesaid, any share or interest as aforesaid, otherwise than as such officer or servant, he shall cease to be a municipal officer or servant, and his office shall become vacant.

(3) Nothing in the foregoing sub-sections shall apply to any such share or interest as, under clause (ii) or clause (iv) of section 39, it is permissible for a Commissioner to have without being thereby disqualified for being a Commissioner.

**67.** (1) No person shall be eligible for any office mentioned or referred to in section 63 if he is seriously indebted to any person.

Indebtedness to dis-  
qualify for office under  
section 63.

(2) If any person holding any of the said offices becomes so indebted, the Corporation may declare his office to be vacant.

**68.** (1) The Corporation may make rules prescribing the qualifications of candidates for employment in the Health, Conservancy, and Engineering Departments, respectively, of the Corporation.

Rules as to qualifi-  
cations.

(2) It shall be the duty of the Chairman to see that all such rules are duly enforced.

**69.** When a servant of the Government is appointed to be a municipal officer or servant, the Corporation may pay, in addition to his salary, any contribution which may, for the time being, be levied by the Government in respect of his pension or leave allowances.

Contribution in re-  
spect of pension or  
leave allowances of  
Government servants  
appointed to be munici-  
pal officers or ser-  
vants.

**70.** Every municipal officer or servant shall be liable to fine, reduction, suspension, or dismissal by the authority by whom he was appointed :

Punishment of offi-  
cers and servants.

Ben. Act  
III. 1899,  
ss. 71-73.

Provided that any action taken under this section in respect of the Engineer or the Health Officer shall be subject to the approval of the Local Government :

Provided also that any other municipal officer or servant in receipt of a salary of more than one hundred rupees *per mensem*, who is dismissed, may appeal to the General Committee, whose decision shall be final.

Engineer and Health Officer to be whole-time officers.

**71.** The Engineer and the Health Officer shall devote their whole time to the duties of their respective offices.

**72.** The Engineer, Health Officer, Secretary, Assessor, Collector, Joint Collector, Surveyor, and License Officer, must reside in Calcutta.

Power of Corporation to make rules as to furnishing security and grant of leave of absence, leave allowances, acting allowances, pensions, and gratuities.

**73.** The Corporation, by a resolution in favour of which not less than two-thirds of the Commissioners voting have voted, may make rules—

- (a) fixing the amount and nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security ;
- (b) for regulating the grant of leave of absence, leave allowances, acting allowances, pensions, and gratuities to municipal officers and servants ; and
- (c) for establishing and maintaining a provident or annuity fund, and for compelling all or any of the municipal officers or servants (other than any servant of the Government in respect of whom a contribution is made under section 69) to contribute to such fund.

**74.** Subject to the rules for the time being in force under section 73, the authority by whom any municipal officer or servant was appointed may grant him such leave of absence and such leave allowance as it thinks fit, and may appoint a person to act for him during such absence, and grant an acting allowance to such person :

Grant of leave of absence and leave allowances, and appointment and payment of substitutes.

Ben. Act III. 1899, ss. 74-76.

Provided as follows :—

- (a) Every appointment to act as Engineer or Health Officer, and the acting allowance granted to any person so appointed, shall be subject to the approval of the Local Government.
- (b) Without the approval of the Corporation, no additional expenditure shall be incurred in granting a leave allowance or acting allowance to an officer or servant appointed by the Chairman.
- (c) If, in any special case, a departure from the aforesaid rules relating to leave allowances or acting allowances seems requisite, a special allowance may be sanctioned by a resolution of the Corporation in favour of which not less than two-thirds of the Commissioners voting have voted.

**75.** Any person appointed under section 74 to act for any municipal officer or servant shall, while so acting, have all the powers, and be liable to all the restrictions, limitations, and provisions which such officer or servant would, under this Act, have or be liable to.

**76.** The Corporation may grant pensions and gratuities to municipal officers and servants in accordance with the rules made under section 73.

Grant of pensions and gratuities.

Ben. Act  
III. 1899,  
ss. 77-80.

## CHAPTER VII.—CONDUCT OF BUSINESS.

### *Transaction of Business by the Corporation.*

**77.** (1) The Corporation shall meet not less than once a month for the transaction of business.  
Ordinary and special meetings.

(2) The Chairman may, whenever he thinks fit, and shall, upon a requisition made in writing by any seven Commissioners, call a special meeting of the Corporation.

**78.** (1) Four days' notice shall be given, by advertisement in local newspapers, of the date fixed for every meeting, and of the business to be transacted at such meeting.  
Notice of meetings and business.

(2) A list of the business to be transacted at any meeting shall be sent to the address of every Commissioner resident in Calcutta, so that it may be in his hands forty-eight hours before the time fixed for such meeting; and no business shall be brought before, or transacted at, any meeting other than the business of which notice has been so given:

Provided that any Commissioner may submit to a meeting any resolution going beyond the matters mentioned in the notice given of such meeting, if he has given not less than forty-eight hours' previous notice of his intention so to do, by leaving a copy of the resolution at the municipal office.

**79.** All acts authorized or required to be done by the Corporation, and all questions which may come before the Corporation for decision, shall, save as is herein otherwise provided, be respectively done and decided by a majority of the members of the Corporation voting at the meeting before which the matter is brought.  
Vote of majority decisive.

**80.** The Chairman shall attend all meetings of the Corporation held under this Act, unless prevented by sickness or other reasonable cause; and the Vice-Chairman and the Deputy Chairman shall attend whenever so directed by the Chairman.  
Attendance of Chairman, Vice-Chairman, and Deputy Chairman at meetings.

**81. (1)** The Chairman shall preside at every such meeting, and shall have a second or casting vote in all cases of equality of votes.

President at meeting.

Ben. Act  
III. 1899,  
ss. 81-84.

(2) In the absence of the Chairman, the Commissioners present at any meeting shall choose some one of their number to preside, who shall, in case of equality of votes, have a second or casting vote.

(3) The President of any meeting at which a quorum of the Commissioners is present may, with the consent of a majority of the Commissioners present, adjourn the meeting from time to time, and from place to place.

**82.** No business shall be transacted at any meeting unless a quorum of twelve Commissioners be present from the beginning to the end of the meeting :

Quorum.

Provided that, if, at any meeting, there is not a sufficient number of Commissioners present to form a quorum, the President (whether he be the Chairman or not) shall adjourn the meeting to such convenient time and place as he thinks fit ; and the business which should have been brought before the original meeting, if there had been a quorum present, shall be brought forward and disposed of in the usual manner at the adjourned meeting, at which a quorum of seven Commissioners shall suffice.

**83.** At any meeting, unless a poll be demanded by at least five Commissioners, a declaration by the President, that a resolution has been carried or lost, and an entry to that effect in the minutes of proceedings, shall, for the purposes of this Act, be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

Declaration by President that a resolution has been carried or lost.

**84.** If a poll be demanded under section 83, the votes of all the members of the Corporation present, who desire to vote, shall be

Poll and ballot.

**Ben. Act** taken under the direction of the President, and the result  
**III. 1899.** of such poll shall be deemed to be the resolution of the  
**ss. 85, 86.** Corporation at such meeting :

Provided that the Corporation may, subject to such rules as may be framed by them under section 85, resolve that any question or class of questions shall be decided by ballot.

**85.** The Corporation may make rules for the conduct of business at their meetings.

Power to make rules.

### *Contracts and Seal of Corporation.*

**86.** (1) The Corporation may enter into and perform all such contracts as they may consider necessary or expedient for carrying into effect the provisions of this Act.

Execution of contracts by Chairman on behalf of the Corporation.

(2) With respect to the making of contracts under, or for any purpose of, this Act, the following provisions shall have effect, namely :—

- (a) every such contract shall be made on behalf of the Corporation by the Chairman ;
- (b) every such contract for any purpose which, in accordance with any provision of this Act the Chairman may not carry out without the approval or sanction of some other municipal authority, shall be made by him subject to such approval or sanction being first duly given ;
- (c) no contract (other than an agreement for the acquisition of immoveable property) which will involve an expenditure exceeding one thousand rupees, and not exceeding ten thousand rupees, shall be made by the Chairman unless the same is previously approved by the General Committee ;

- (d) no contract involving an expenditure exceeding ten thousand rupees, and not exceeding one lakh of rupees, shall be made by the Chairman unless the same is previously approved by the Corporation ;
- (e) no contract involving an expenditure exceeding one lakh of rupees shall be made by the Chairman unless the same is previously approved by the Corporation and the Local Government.

Ben. Act  
III. 1899,  
s. 87.

(3) The foregoing provisions of this section shall apply to every variation or discharge of a contract, as well as to an original contract.

**87. (1)** Every contract made by the Chairman on behalf of the Corporation shall be entered into in such manner and form as would bind the Chairman if such contract were made on his own behalf, except that the common seal of the Corporation shall be used (where necessary); and every such contract may, in the like manner and form, be varied or discharged.

Further provisions as to execution of contracts, and provisions as to seal of Corporation.

(2) Every contract for the execution of any work or the supply of any materials or goods, which will involve an expenditure exceeding one thousand rupees, shall be in writing, shall be sealed, and shall specify—

- (a) the work to be done, or the materials or goods to be supplied, as the case may be,
- (b) the price to be paid for such work, materials, or goods, and
- (c) in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(3) The common seal of the Corporation shall remain in the custody of the Secretary, and shall not be affixed to any contract or other instrument except in the presence

Ben. Act of a Commissioner, who shall attach his signature to the  
 III. 1899, contract or instrument in token that the same was sealed  
 ss. 88, 89. in his presence.

(4) The signature of the said Commissioner shall be distinct from the signature of any witness to the execution of such contract or instrument.

(5) No contract, not executed as provided in this section, shall be binding on the Corporation.

**88. (1)** At least seven days before the Chairman enters into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees, the General Committee shall give notice by advertisement in local newspapers inviting tenders for such contract.

(2) In every case in which the acceptance of a tender would involve an expenditure exceeding ten thousand rupees, the General Committee shall place before the Corporation the specifications, conditions, and estimates, and all the tenders received, specifying the particular tender (if any) which they recommend for acceptance.

(3) In every case in which the acceptance of a tender would involve an expenditure exceeding one lakh of rupees, the Corporation shall submit to the Local Government the specifications, conditions, and estimates, and all the tenders received, specifying the particular tender (if any) which they recommend for acceptance.

(4) No municipal authority shall be bound to accept any tender which has been made; but any of those authorities may, within the pecuniary limits of their respective powers as prescribed in section 86, sub-section (2), accept any of such tenders which appears to it, upon a view of all the circumstances, to be the most advantageous, or may reject all the tenders submitted to it.

**89.** The Chairman shall take sufficient security for the Security for performance of every contract in-  
 due performance of contract. to which he enters after a tender has

been accepted, and may, in his discretion, take security for the due performance of any other contract into which he enters under this Act.

Ben. Act  
III. 1899,  
ss. 90-93.

*Transaction of Business by the General Committee.*

**90.** (1) The General Committee shall meet for the despatch of business in the municipal office or in such other place as they may appoint.

Meetings.

(2) An ordinary meeting shall be held once a week, and at such other times as may be found necessary.

(3) The first ordinary meeting of the General Committee shall be held on a day and at a time to be fixed by the Chairman, and, if not held on that day, shall be held on some subsequent day to be fixed by the Chairman; and every subsequent ordinary meeting shall be held on such day and at such time as the Committee may, from time to time, determine.

(4) The Chairman may at any time call a special meeting of the General Committee for the transaction of any business which, in his opinion, cannot be delayed until the next ordinary meeting of the Committee.

**91.** No business shall be transacted at a meeting of the General Committee unless at least six members are present from the beginning to the end of the meeting.

Quorum.

**92.** If, at the time appointed for holding a meeting of the General Committee, the Chairman is absent, one of the members present, to be chosen by those members for the purpose, shall preside.

Who to preside in absence of Chairman.

**93.** Every question brought before the General Committee shall be decided by a majority of votes of the members present and voting on that question, the presiding authority having a second or casting vote when there is an equality.

Vote of majority decisive.

Ben. Act  
III. 1899,  
ss. 94, 95.

Power to make rules.

**94.** The General Committee may make rules with respect to their meetings.

*Sub-Committees.*

**95.** (1) The General Committee may, from time to time, by specific resolution, delegate any of their powers or duties to Sub-Committees, and may also, from time to time, by like resolution, refer to such Sub-Committees, for inquiry and report, or for opinion, such special subjects relating to the purposes of this Act as they may think fit.

(2) In every case in which an appeal lies to the General Committee from any proceedings of the Chairman, such appeal shall be heard and decided by a Sub-Committee constituted under sub-section (1).

(3) Every resolution passed under sub-section (1) shall forthwith be communicated to all Commissioners residing in Calcutta, and reported to the Local Government.

(4) Every Sub-Committee shall consist of not less than three or more than six Commissioners; and the General Committee may at any time direct that the Chairman shall also be a member of any Sub-Committee other than a Sub-Committee referred to in sub-section (2).

(5) The said Commissioners shall be nominated by the General Committee; and none of them need, unless the General Committee so direct, be members of the General Committee.

(6) The Local Government may make rules declaring what proportion of—

(i) Ward Commissioners,

(ii) Commissioners appointed under clause (a), clause (b), or clause (c) of section 8, and

(iii) Commissioners appointed under clause (d) of section 8,

respectively, shall be nominated to be members of every or any Sub-Committee.

(7) Every Sub-Committee shall conform to any instructions that may, from time to time, be given by the General Committee.

Ben. Act  
III. 1899,  
s. 96.

(8) The General Committee may at any time dissolve, or, subject to the provisions of sub-sections (4) and (5), and of any rules made under sub-section (6), alter the constitution of, any Sub-Committee.

(9) Every Sub-Committee shall choose one of their number to preside at their meetings:

Provided that the Chairman shall be President of any Sub-Committee of which he is a member.

(10) If, at any meeting, the President is not present at the time appointed for holding the meeting, the members of the Sub-Committee present shall choose one of their number to be President of such meeting.

(11) When any matter is referred to a Sub-Committee, the General Committee may fix a time within which the report of the Sub-Committee thereon is to be submitted to the General Committee.

(12) All proceedings of any Sub-Committee shall be subject to confirmation by the General Committee:

Provided that, if the Chairman concurs in any action recommended by a majority of the members of any Sub-Committee, whether or not he is a member of such Sub-Committee, and considers that inconvenience would result from delay in taking such action, he may take such action without waiting for confirmation by the General Committee of the proceedings of the Sub-Committee; but if the General Committee do not confirm the proceedings of the Sub-Committee, such steps shall be taken to carry out any orders passed by the General Committee as may still be practicable.

### *Special Committees.*

**96.** (1) The Corporation may, from time to time, by specific resolution, appoint a Special Committee to inquire into, and report upon, any matter (to be specified in such resolution) which

Ben. Act  
III. 1899,  
s. 97.

is reserved by this Act for the decision of the Corporation, and which is not at the time being under consideration by a Sub-Committee constituted under section 95.

(2) The Corporation may, from time to time, by specific resolution, delegate to a Special Committee any of their duties (to be specified in such resolution) which cannot, in the opinion of the Corporation, be properly performed at a meeting of the Corporation.

(3) The provisions of sub-sections (3), (7), (9), (10), (11), and (12) of section 95, shall apply to every Special Committee as if that Committee were named therein instead of a Sub-Committee, and as if the Corporation were named therein instead of the General Committee.

(4) The Local Government may make rules declaring what proportion of—

(i) Ward Commissioners, and

(ii) Commissioners appointed under section 8, sub-section (2),

respectively, shall be nominated to be members of every or any Special Committee:

Provided that every Special Committee shall be so constituted as to contain not less than one representative of each of the two classes of Commissioners referred to in this sub-section.

(5) The Corporation may make rules for regulating the conduct of business at meetings of Special Committees.

### *Minutes and Reports of Proceedings.*

**97.** (1) Minutes of the names of the members present, and of the proceedings, at each meeting of the Corporation, shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be laid before the next ensuing meeting, and signed at, and by the President of, such meeting.

(2) Minutes of the names of the members present, and of the proceedings, at each meeting of the General Com-

mittee, and of any Sub-Committee or Special Committee, shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be laid before the next ensuing meeting, and signed at, and by the President of, such meeting. Ben. Act  
III. 1899,  
ss. 98-100.

**98.** The minutes referred to in section 97, and the full Inspection of minutes and reports of proceedings. reports (if any) of the proceedings at meetings of the Corporation, shall, at all reasonable times, be kept open at the municipal office to the inspection of any Commissioner without charge, and of any other person on payment of a fee of eight annas.

**99.** The Chairman shall forward to the Local Government a copy of the minutes of the proceedings at each meeting of the Corporation, the General Committee, and every Sub-Committee and Special Committee, Forwarding of minutes and reports of proceedings to Local Government.

within ten days from the date on which the minutes of the proceedings of such meeting were signed as prescribed in section 97; and, if the Local Government so directs in any case, shall also forward a copy of all papers which were laid before the Corporation, the General Committee, the Sub-Committee, or the Special Committee, as the case may be, for consideration at such meeting;

and shall also forward to the Local Government, as soon as may be after such date, a full report of the proceedings at meetings of the Corporation, if any such report be prepared.

### *Supplemental Provisions.*

**100.** Every member of the General Committee shall be entitled to receive a fee of twenty rupees, and every member of a Sub-Committee, a fee of ten rupees, for each meeting of such Committee or Sub-Committee at which a quorum is present and business is transacted, and which he attends from the beginning to the end thereof: Fees payable to members of the General Committee and Sub-Committees.

Ben. Act  
III. 1899,  
ss. 101,  
102.

Provided as follows :—

(a) no fee shall be paid in respect of any meeting at which is transacted such business only as was adjourned from a former meeting ; and

(b) no fee shall be paid to the Chairman.

**101.** (1) The Corporation may at any time require the General Committee to furnish them with any extract from any proceedings of such Committee or of any Sub-Committee constituted under this Act, and with any return, statement, account, or report concerning or connected with any matter dealt with by such Committee or any such Sub-Committee.

(2) The General Committee shall comply with all such requisitions, unless in any case they consider that inconvenience or unreasonable delay would result.

**102.** (1) No act done, or proceeding taken, under this Act, shall be questioned on the ground merely of—

(a) the existence of any vacancy in, or any defect in the constitution of, the Corporation, the General Committee, or any Sub-Committee or Special Committee,

(b) any Commissioner having voted or taken part in any proceeding in contravention of the proviso to section 39, or

(c) any defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Corporation, the General Committee, or any Sub-Committee or Special Committee, the minutes of the proceedings of which have been duly signed as prescribed in section 97, shall be taken to have been duly convened and to be free from all defect and irregularity.

## PART III.—FINANCE.

Ben. Act  
III. 1899,  
ss. 103,  
104.

## CHAPTER VIII.—THE MUNICIPAL FUNDS.

Enumeration of Mu-  
nicipal Funds.

**103.** (1) The Municipal Funds shall consist of—

- (a) the General Fund ;
- (b) the Water-supply Fund ;
- (c) the Lighting Fund ; and
- (d) the Sewage Fund.

(2) The said Funds shall be held by the Corporation in trust for the purposes of this Act, subject to the provisions herein contained.

The General Fund. **104.** (1) The General Fund shall be credited with—

- (a) the receipts of the general rate imposed under Chapter XII.,
- (b) all fines realized in cases in which prosecutions are instituted under this Act, or any rule, bye-law, or regulation made hereunder, and
- (c) all other moneys received by the Corporation except those assigned to the Water-supply Fund, the Lighting Fund, and the Sewage Fund, respectively.

(2) It shall be debited with—

- (i) all expenditure incurred under this Act except that debitable to the Water-supply Fund, the Lighting Fund, and the Sewage Fund, respectively ; and
- (ii) all other expenditure lawfully incurred by the Corporation which the Corporation may, from time to time, direct to be debited to the General Fund.

Ben. Act  
III. 1899,  
ss. 105,  
106.

The  
Fund.

Water-supply **105.** (1) The Water-supply Fund shall be credited with—

- (a) the receipts of the water-rate imposed under Chapter XII.,
- (b) all receipts arising out of the sale of water under this Act, and
- (c) all miscellaneous receipts connected with water-supply.

(2) It shall be debited with—

- (i) the annual interest on all sums borrowed from time to time, whether from the Government or by way of debenture loan, for the construction or extension of water-works for the supply of filtered or unfiltered water;
- (ii) the annual expenditure requisite for the repayment of money so borrowed, or for the maintenance of Sinking Funds under Chapter X.;
- (iii) the cost of maintaining, in an efficient condition, the supply of filtered water to Calcutta;
- (iv) the cost of maintaining, in an efficient condition, the supply of unfiltered water to Calcutta;
- (v) the cost of establishments employed, and miscellaneous expenditure incurred for the purposes specified in clauses (iii) and (iv); and
- (vi) such proportionate share of the cost of collection, of general supervision, and of maintaining the municipal office as the Corporation may from time to time direct.

The Lighting Fund.

**106.** (1) The Lighting Fund shall be credited with—

- (a) the receipts of the lighting-rate imposed under Chapter XII.,
- (b) the receipts, if any, arising out of the sale of gas or electricity under this Act, and

- (c) all miscellaneous receipts connected with the lighting of Calcutta.

Ben. Act  
III. 1899,  
s. 107.

(2) It shall be debited with—

- (i) the annual interest on all sums borrowed from time to time for the construction of gas-works, or for supplying electricity, for the lighting of Calcutta;
- (ii) the annual expenditure requisite for the repayment of money so borrowed, or for the maintenance of Sinking Funds under Chapter X.;
- (iii) all expenditure necessary for the efficient lighting of Calcutta by gas, oil, electricity, or any other means;
- (iv) the cost of establishments employed, and miscellaneous expenditure incurred, for the purposes specified in clause (iii); and
- (v) such proportionate share of the cost of collection, of general supervision, and of maintaining the municipal office as the Corporation may from time to time direct.

**107.** (1) The Sewage Fund shall be credited with—

The Sewage Fund.

- (a) the receipts of the sewage-rate imposed under Chapter XII.,
- (b) the receipts on account of licenses granted under Chapter XV. or section 310;
- (c) the proceeds, if any, arising from the sale of night-soil under this Act; and
- (d) all miscellaneous receipts connected with the working of the night-soil removal department.

(2) It shall be debited with—

- (i) the cost of the establishments maintained under section 435 for the removal of sewage;

Ben. Act  
III. 1899,  
ss. 108-  
110.

- (ii) the cost of maintenance of privies and urinals provided for the use of the public, and of the establishments for cleansing the same ;
- (iii) such proportionate share of the cost of inspecting, maintaining, and cleansing the public sewers as the Corporation may from time to time determine ; and
- (iv) such proportionate share of the cost of collection, of general supervision, and of maintaining the municipal office as the Corporation may from time to time direct.

**108.** The collections made on account of the consolidated rate mentioned in section 149 shall be divided between the General Fund, the Water-supply Fund, the Lighting Fund, and the Sewage Fund, in the proportions at which the general rate, the water-rate, the lighting-rate, and the sewage-rate are being levied for the time being, without reference to the year on account of which each payment is made :

Provided that such deduction shall be made from the proportion to be credited to the Water-supply Fund as may seem to the Corporation to be approximately equivalent to the diminution in the productiveness of the water-rate caused by the partial exemption of certain buildings and lands under the proviso to section 147.

**109.** If the water-rate, the lighting-rate, or the sewage-rate is levied at the maximum amount allowed by section 147, and the receipts of the Water-supply Fund, the Lighting Fund, or the Sewage Fund, as the case may be, fall short of the total sum debitable thereto, the Corporation may make a grant-in-aid to such Fund from the General Fund.

**110.** (1) With the approval of the Corporation, any portion of the Municipal Funds may, from time to time, be credited to a separate heading in the municipal accounts.

Ben. Act  
III. 1899,  
ss. 111-  
113.

(2) There shall be credited and debited to such heading such sums only as expressly relate to the object for which the heading was provided.

**111.** All moneys payable to the credit of the Municipal Funds shall be received by the Chairman, and shall be forthwith paid into the Bank of Bengal to the credit of an account which shall be styled "The Account of the Municipal Funds of the City of Calcutta."

Receipt of moneys  
and deposit in Bank  
of Bengal.

**112.** (1) Subject to the provisions of section 24, section 141, and sub-section (3) of section 143, no payment shall be made by the Bank of Bengal out of the Municipal Funds except upon a cheque signed—

(a) by the Vice-Chairman and the Secretary, or,

(b) in the event of the illness or occasional absence from Calcutta of the Vice-Chairman or the Secretary, by the Secretary or the Vice-Chairman, as the case may be, and by some other person appointed in that behalf by the Chairman with the consent of the General Committee.

(2) Payment of any sum due by the Corporation exceeding one hundred rupees in amount shall be made by means of a cheque signed as aforesaid, and not in any other way.

(3) Payment of any sum due by the Corporation not exceeding one hundred rupees in amount may be made in cash; cheques for sums not in excess of one thousand rupees each, signed as aforesaid, being drawn from time to time to cover such payments.

**113.** Notwithstanding anything contained in section 111 or section 112, the Chairman may, with the approval of the General Committee, and subject to the control of the Corporation, from time to time remit any portion of the

Separate account of  
Municipal Funds be-  
yond Calcutta.

**Ben. Act** Municipal Funds to a bank or other agency at any place  
**III. 1899,** beyond Calcutta at which he may consider it desirable for  
**s. 114.** the Corporation to have funds in deposit; and any money,  
 payable to the credit of, or chargeable against, the Municipal  
 Funds, which can, in the opinion of the Chairman, be most  
 conveniently paid into or out of the account of the Corpo-  
 ration at any such bank or agency, may be so paid.

**114.** The moneys from time to time credited to the  
 Application of Mu- Municipal Funds shall be applied in  
 nicipal Funds. payment of all sums, charges, and  
 costs necessary for the purposes specified or referred to in  
 section 14, or for otherwise carrying this Act into effect,  
 or of which the payment is duly directed or sanctioned by  
 or under any of the provisions of this Act, inclusive of—

- (a) the expenses of every election held under this Act ;
- (b) the fees payable under section 100 to members of the General Committee and members of Sub-Committees ;
- (c) the salaries and other allowances of the Chairman, Vice-Chairman, and Deputy Chairman ;
- (d) the salaries, fees, and allowances of all municipal officers and servants, and all pensions and gratuities granted under Chapter VI. ;
- (e) charges for stationery, printing, and advertising ;
- (f) all expenses and costs incurred by the Chairman in the exercise of any power or the discharge of any duty conferred or imposed upon him by this Act, including payments which he is required or empowered to make by way of compensation ;
- (g) every sum payable—
  - (i) under section 24, under the orders of the Local Government ;
  - (ii) under the direction of any officer appointed under section 141 ;

- (iii) under a decree or order of a Civil or Criminal Court passed against the Corporation or against the Chairman *ex officio* ;
- (iv) under a compromise of any suit or other legal proceeding or claim effected under section 633.

Ben. Act  
111. 1899,  
s. 115.

**115.** No payment of any sum out of the Municipal

Payments not to be made out of Municipal Funds unless covered by a budget-grant and balance is available.

Funds shall be authorized by the Chairman unless the expenditure of the same is covered by a current budget-grant, and a sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 126 or section 127 :

Provided that the following items shall be excepted from this prohibition, namely,—

- (a) refunds of taxes and other moneys which are authorized by this Act ;
- (b) re-payments of moneys belonging to contractors or other persons, and held in deposit, and of moneys collected or credited to the Municipal Funds by mistake ;
- (c) costs incurred by the Chairman under section 15, clause (c) ;
- (d) sums payable in any of the circumstances mentioned in section 114, clause (g) ;
- (e) temporary payments under section 118 for works urgently required for the public service ;
- (f) sums which the Chairman is, by or under section 290, sub-section (3), section 347, sub-section (2), section 426, sub-section (2), section 472, sub-section (4), section 518, sub-section (2), section 520, sub-section (4), section 596, sub-section (3), section 614, or section 632, clause (c), required or empowered to pay by way of compensation ; and

Ben. Act  
III. 1899,  
ss. 116-  
118.

(g) expenses incurred by the Chairman in the exercise of the powers conferred upon him by section 525.

**116.** Before the Vice-Chairman, the Secretary, or any other person signs a cheque under section 112, he must satisfy himself that the sum for which such cheque is drawn, either is required for a purpose or work specifically sanctioned by a municipal authority, or is an item of one of the excepted descriptions specified in the proviso to section 115.

**117.** Whenever any sum is expended by the Chairman under clause (c), clause (d), clause (f), or clause (g) of the proviso to section 115, he shall forthwith communicate the circumstances to the General Committee, who shall take such action under section 126 as may in the circumstances appear possible and expedient for covering the amount of the additional expenditure.

**118. (1)** On the written requisition of a Secretary to the Local Government, the Chairman may at any time undertake the execution of any work certified by such Secretary to be urgently required for the public service, and for this purpose may temporarily make payments from the Municipal Funds, so far as the same can be made without unduly interfering with the regular working of the municipal administration.

(2) The cost of all work so executed, and of the establishment engaged in executing the same, shall be paid by the Local Government, and credited to the Municipal Funds.

(3) On receipt of any requisition under sub-section (1), the Chairman shall forthwith forward a copy thereof to the Corporation, together with a report of the steps taken by him in pursuance of the same.

**119.** (1) Surplus moneys at the credit of any of the Investment of surplus money. Municipal Funds, which cannot, immediately or at an early date, be applied to the purposes of this Act, or of any loan raised under this or any former Act, may, from time to time, be deposited at interest in the Bank of Bengal, or invested in any of the securities or debentures mentioned in section 135, sub-section (1). Ben. A& III. 1899, ss. 119, 120.

(2) All such surplus moneys which it is necessary to keep readily available for application to the said purposes, and all such surplus moneys which cannot, in the opinion of the Chairman concurred in by the General Committee, be favourably deposited or invested as aforesaid, may be deposited at interest at any bank or banks in Calcutta which the General Committee may, subject to the control of the Corporation, from time to time select for the purpose.

(3) All such deposits and investments shall be made by the Chairman on behalf of the Corporation, with the sanction of the General Committee; and, with the like sanction, the Chairman may at any time withdraw any deposit so made, or dispose of any securities, and re-deposit or re-invest the money so withdrawn or the proceeds of the disposal of such securities; but no order for making any deposit, investment, withdrawal, or disposal under this section shall have any validity unless the same be in writing signed by the Chairman and the Secretary.

(4) The loss, if any, arising from any such deposit or investment shall be debited to the Municipal Funds.

#### CHAPTER IX.—BUDGET ESTIMATE.

Chairman to lay before General Committee annual estimates of expenditure, receipts, and balances and statement of proposed taxes.

**120.** The Chairman shall, on or before each tenth day of February, have prepared and lay before the General Committee, in such form as the said Committee may from time to time approve,—

Ben. Act  
III. 1899,  
s. 121.

- (a) an estimate of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next ensuing financial year,
- (b) an estimate of receipts from all sources during the said year,
- (c) an estimate of all balances, if any, which will be available for re-appropriation or expenditure at the commencement of the said year, and
- (d) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under this Act in the said year.

**121.** (1) The General Committee shall, on or as soon as may be after the tenth day of February, consider the estimates and proposals of the Chairman, and, after having obtained from him such further detailed information (if any) as they may think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as they may think fit, a Budget Estimate of the income and expenditure of the Corporation for the next ensuing financial year.

(2) In such Budget Estimate, the General Committee shall, among other things,—

- (a) make adequate and suitable provision for such services as may be required for the fulfilment of the duties imposed on the respective municipal authorities by this Act, in order to provide for such items of expenditure proposed by the Chairman as they may approve,
- (b) provide for the payment, as they fall due, of all instalments of principal and interest for which the Corporation may be liable in respect of loans contracted by them,

- (c) allow for a cash balance at the end of the said year of not less than two lakhs of rupees, and

Ben. Act  
III. 1899,  
ss. 122-  
125.

- (d) propose, with reference to the provisions of Part IV., the levy of municipal rates and other taxes at such rates as are necessary to provide for the preceding purposes.

**122.** The Chairman shall cause the Budget Estimate, as finally framed by the General Committee, to be printed, and shall, not later than the first day of March, forward a printed copy thereof to the usual or last-known local place of abode of each Commissioner.

Copy of Budget Estimate to be sent to each Commissioner.

**123.** At a meeting of the Corporation, which shall be called for some day in March not later than the seventh, the Budget Estimate framed by the General Committee shall be laid before the Corporation, and they shall proceed to consider the same.

Consideration of Budget Estimate by Corporation.

**124.** (1) The Corporation shall, on or before the twenty-second day of March, after considering the General Committee's proposals in this behalf, determine, subject to the limitations and conditions prescribed in Part IV., the rates at which municipal rates and other taxes shall be levied in the next ensuing financial year.

Fixing of rates of taxes.

(2) Except under section 24 or section 127, the rates so fixed shall not be subsequently altered for the year for which they have been fixed.

**125.** Subject to the provisions of sub-section (1) of section 124, and to the other requirements of this Act, the Corporation may refer the Budget Estimate back to the General Committee for further consideration and re-submission within a specified time, or may adopt the Budget Estimate or any revised Budget Estimate submitted to them, either as it stands, or subject to such alteration as they may deem expedient;

Final adoption of Budget Estimate.

Ben. Act  
III. 1899,  
s. 126.

Provided as follows:—

(a) The Budget Estimate, as finally adopted by the Corporation, must make adequate and suitable provision for each of the matters referred to in clauses (a), (b), and (c) of section 121 ;

(b) if, by the twenty-third day of March, the Corporation had not adopted any Budget Estimate, the Budget Estimate prepared by, or the last revised Budget Estimate submitted by, the General Committee, shall, subject to any alterations that may be agreed upon by the Corporation and the General Committee, be deemed to be the Budget Estimate finally adopted, and the municipal rates and other taxes shall be levied at the rates provided for therein.

**126.** (1) The General Committee, with the sanction of the Corporation, may, from time to time during the financial year,—

(a) increase the amount of any Budget-grant,  
(b) make an additional Budget-grant to meet any special or unforeseen requirement arising during the same year,

(c) transfer and add the amount or a portion of the amount of any Budget-grant to the amount of any other Budget-grant, or

(d) reduce the amount of any Budget-grant :  
Provided as follows:—

(i) Due regard shall be had to all the requirements of this Act ;

(ii) in making any increase or additional Budget-grant, the estimated cash balance at the close of the year shall not be reduced below two lakhs of rupees.

(2) Every increase to a Budget-grant and every additional Budget-grant made in any year under sub-section (1) shall be deemed to be included in the Budget Estimate finally adopted for that year.

Ben. Act  
III. 1899,  
ss. 127,  
128.

**127.** (1) If, at any time during the year, it appears to the Corporation, upon the representation of the General Committee, that, notwithstanding any reduction of Budget-grants that has been made by the General Committee under section 126, the income of the Municipal Funds during the same year will not suffice to meet the expenditure sanctioned in the Budget Estimate of the same year, and to leave at the close of the year a cash balance of not less than two lakhs of rupees, then it shall be incumbent on the Corporation to forthwith sanction any measure which they may consider necessary for proportioning the year's income to the expenditure.

(2) For the purposes of sub-section (1), the Corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or have recourse to supplementary taxation, or adopt both of those methods.

## CHAPTER X.—LOANS.

Power of Corporation to borrow money for construction of permanent works.

**128.** The Corporation may, in pursuance of any resolution passed at a special meeting and sanctioned by the Government of India, from time to time borrow,

by way of debenture, on the security of all or any of the rates, taxes, fees, and dues authorized by this Act, and at such rate of interest, and upon such terms as to the time of re-payment and otherwise, as the Government of India may approve,

Ben. Act  
III. 1899,  
ss. 129-  
132.

any sums of money which may be required for the construction of works of a permanent nature under this Act.

**129.** The Corporation may at any time, with the sanction of the Government of India, borrow, by the issue of new debentures, any money that may be required—  
Power of Corporation to borrow money for payment of debt.

- (a) to pay any moneys for the time being due on any debentures issued under section 128, or under the Calcutta Municipal Consolidation Act\* or any enactment repealed thereby, or
- (b) to pay off any debt due to the Government.

**130.** The Corporation shall, on or before the twenty-second day of March, after considering the General Committee's proposals in this behalf, determine, subject to the provisions of this chapter, what sums of money (if any) shall be borrowed under section 128 or section 129 in the next ensuing financial year.  
Determination of sums to be borrowed.

**131.** Notwithstanding anything hereinbefore contained, the borrowing powers of the Corporation shall be limited so that the sum payable annually for interest, and for the maintenance of Sinking Funds, as hereinafter prescribed, shall not exceed ten *per cent.* on the annual value of buildings and land as determined under Chapter XII.  
Limit to borrowing powers.

**132.** All debentures issued under this chapter shall be in the form prescribed in Schedule VI., or in such other form as the Corporation, with the previous sanction of the Government of India, may determine; and shall be transferable by endorsement; and the right to sue in respect of the moneys secured by any of such debentures shall be vested in the holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.  
Form and effect of debentures.

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\* Ben. Act II. of 1888. Repealed by this Act.

**133.** (1) The Corporation shall maintain two Sinking Funds, one (hereinafter called Sinking Fund A) being for the repayment of money borrowed on debentures issued after the first day of April, 1881, and the other (hereinafter called Sinking Fund B) for the re-payment of money borrowed on debentures issued before that day.

Ben. Act  
III. 1899,  
ss. 133-  
135.

(2) The Corporation shall pay quarterly,—

(a) into Sinking Fund A, a sum representing one *per cent. per annum* on the unrepaid balance of all moneys borrowed on debentures issued after the said day, and

(b) into Sinking Fund B, a sum representing two *per cent. per annum* on the unrepaid balance of all moneys borrowed on debentures issued before the said day.

Separate accounts  
for Sinking Funds.

**134.** Separate accounts shall be kept for each of the Sinking Funds.

**135.** (1) All money paid into a Sinking Fund shall, as soon as possible, be invested, under the orders of the Corporation, in—

(a) Government securities, or

(b) securities guaranteed by the Government, or

(c) Calcutta municipal debentures,

in the joint names of the Secretary to the Government of Bengal in the Financial Department and the Accountant-General of Bengal for the time being, to be held by them as trustees for the purpose of repaying, at due date from time to time, the debentures issued by the Corporation.

(2) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate Sinking Fund, and invested in the manner prescribed by sub-section (1).

(3) When any part of either Sinking Fund is invested in Calcutta municipal debentures, or is applied in paying

**Ben. Act** off any part of a loan before the prescribed period, the  
**111. 1899,** interest which would otherwise have been payable on such  
**ss. 136-** debentures or on such part of the loan shall be paid into  
**138.** the appropriate Sinking Fund, and invested in the manner prescribed by sub-section (1).

(4) Any investment made under this section may from time to time, subject to the provisions of sub-section (1), be varied or transposed.

**136.** The aforesaid trustees may, from time to time, apply either Sinking Fund, or any part thereof, in or towards the discharge of the loan or part of a loan for which such Fund was created, and, until such loan or part is wholly discharged, shall not apply the same for any other purpose.

**137.** (1) The aforesaid trustees shall, at the end of every year, submit to the Corporation a statement showing—  
 Annual statement by trustees.

- (a) the amount which has been invested during the year under section 135,
- (b) the date of the last investment made previous to the submission of the statement,
- (c) the aggregate amount of the securities then in their hands, and
- (d) the aggregate amount which has, up to the date of the statement, been applied, under section 136, in or towards discharging loans.

(2) Every such statement shall be laid before the Corporation, and published in the Calcutta Gazette.

**138.** (1) Nothing in this chapter shall prevent the Corporation from inviting tenders at any time for a new loan (to be called the "Municipal Consolidated Loan") on such terms as may be approved by the Government of India, and inviting holders of municipal debentures to exchange their debentures for scrip of such loan at such

rates as the Corporation may consider fair and the Government of India may approve.

(2) The scrip of such loan shall be in such form as the Corporation, with the previous sanction of the Government of India, may prescribe.

(3) The Corporation shall repay such loan by annual payments at a rate of not less than one-sixtieth of the unpaid balance in each year, instead of making payments into a Sinking Fund as hereinbefore prescribed; and the stock to be paid off shall be purchased in the open market; and such payments shall be made in priority to all other payments (other than payments prescribed by section 133, sub-section (2), and section 140) due from the Corporation:

Provided that, if, during any year, no stock is obtainable in the open market at or below its *par* value, it shall not be obligatory on the Corporation to make such repayment as aforesaid until such stock is obtainable in the open market at or below its *par* value.

Ben. Act  
III, 1899,  
ss. 139-  
141.

**139.** The time for the repayment of any money borrowed under section 129 or section 138 for the purpose of discharging any previous loan shall not, except with the express sanction of the Government of India, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

Time for repayment of money borrowed to discharge previous loan.

**140.** All payments due from the Corporation for interest on and repayment of loans shall be made in priority to all other payments due from the Corporation.

Priority of payments for interest and repayment of loans over other payments.

**141.** (1) If any money borrowed by the Corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, is or are not repaid according to the conditions of the loan, the Local Government may attach the Municipal Funds or any of them.

Attachment of Municipal Funds for recovery of money borrowed from the Government.

Ben. Act  
III. 1899,  
ss. 142,  
143.

(2) After such attachment, no person except an officer appointed in this behalf by the Local Government shall in any way deal with the attached Funds; but such officer may do all acts in respect thereof which any municipal authority, officer, or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrear, and of all interest and costs due in respect thereof, and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the Funds attached were previously pledged in accordance with law; but all such prior charges shall be paid out of the proceeds of the Funds before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

## CHAPTER XI.—ACCOUNTS.

**142.** Accounts of the receipts and expenditure of the Corporation shall be kept in such manner and in such forms as the General Committee may from time to time prescribe.

Appointment,  
powers, and remuneration  
of municipal auditors.

**143.** (1) The municipal accounts shall be examined and audited from time to time by auditors specially appointed in this behalf by the Local Government.

(2) The auditors so appointed may,—

(a) by written summons, require the production before them of any document which they may consider necessary for the proper conduct of their audit;

(b) by written summons, require any person having the custody or control of, or accountable for, any such document, to appear in person before them, and

- (c) require any person so appearing before them to make and sign a declaration with respect to such document, or to answer any question, or prepare and submit any statement.

Ben. Act  
III. 1899,  
ss. 144-  
146.

(3) The General Committee shall, from time to time, pay to the Local Government from the Municipal Funds such sums as may be fixed by the Local Government to cover the cost of the audit, not exceeding the actual cost as declared by the Local Government.

Reports and information to be furnished by auditors.

**144.** The auditors so appointed shall—

- (a) report to the General Committee any material impropriety or irregularity which they may observe in the expenditure or in the recovery of moneys due to the Corporation, or in the municipal accounts,
- (b) furnish to the General Committee such information as the said Committee may, from time to time, require concerning the progress of their audit, and,
- (c) as soon as may be after the completion of their audit, deliver to the General Committee a report upon the municipal accounts.

**145.** The Chairman shall cause the report mentioned

Auditors' report to be sent to each Commissioner, and laid before Corporation.

in section 144, clause (c), to be printed, and shall forward a printed copy thereof to each Commissioner, along with the papers mentioned in section 17, sub-section (3), and shall bring such report before the Corporation for consideration at their next meeting.

General Committee to remedy defects pointed out by auditors, and to report same to Corporation.

**146.** It shall be the duty of the General Committee forthwith to remedy any defects or irregularities that may be pointed out by the auditors, and to report the same to the Corporation.

Ben. Act  
III. 1899,  
ss. 147-  
149.

## PART IV.—TAXATION.

### CHAPTER XII.—RATES.

#### *Imposition of Rates.*

Power to impose rates. **147.** The following rates may be imposed upon all buildings and lands, namely,—

- (a) a general rate not exceeding thirteen *per cent.* on the annual valuation determined under this chapter;
- (b) a water-rate not exceeding six *per cent.* on the annual valuation determined as aforesaid;
- (c) a lighting-rate not exceeding two *per cent.* on the annual valuation determined as aforesaid; and
- (d) a sewage-rate not exceeding two *per cent.* on the annual valuation determined as aforesaid:

Provided that buildings and lands, no part of which is within one hundred-and-fifty yards of the nearest stand-post or other supply of filtered water available to the public, shall be assessed to water-rate at three *per cent.* less than buildings and lands otherwise situated.

**148.** The amounts of the said rates shall be fixed annually, in the manner provided in Chapter IX., with reference to the requirements of the General Fund, the Water-supply Fund, the Lighting Fund, and the Sewage Fund, respectively.

#### *Consolidation of Rates.*

Rates to be levied as one consolidated rate.

**149.** The said rates shall be levied as one consolidated rate.

*Exemptions.*Ben. Act  
III. 1899,  
s. 150.

**150.** (1) Buildings used exclusively for purposes of Exemptions from public worship, and public burial or consolidated rate. burning grounds duly registered under Chapter XXXIX., shall be exempt from the consolidated rate ;

and the Corporation may, either wholly or partially, exempt from the consolidated rate any building or land used for purposes of public charity :

Provided that the following buildings and land shall not be deemed to be used exclusively for public worship, or for purposes of public charity, within the meaning of this section, namely,—

(a) buildings or land in or on which any trade or business is carried on ; and

(b) buildings or land in respect of which rent is derived, whether such rent is or is not applied exclusively to religious purposes or purposes of public charity.

(2) The Corporation may exempt the owner of any hut from payment of the whole or any portion of the consolidated rate payable in respect of such hut.

(3) With the previous sanction of the Local Government, the Corporation may, by resolution, exempt from the consolidated rate all buildings and lands the annual valuation of which, as determined under this chapter, does not exceed twenty rupees, or such smaller sum as may be specified in such resolution :

Provided that no person shall be entitled to claim the benefit of such exemption if he owns or occupies more than one building or piece of land, and the aggregate annual valuation of all the buildings or lands owned or occupied by him exceeds twenty rupees or the smaller sum specified in the said resolution.

Ben. Act *Assessment of Buildings and Land to the Consolidated Rate.*  
 III. 1899,  
 s. 151.

Annual value of building or land how to be ascertained. **151.** For the purpose of assessing land and buildings to the consolidated rate,—

- (a) the annual value of land, and the annual value of any building erected for letting purposes, or ordinarily let, shall be deemed to be the gross annual rent at which the land or building might reasonably be expected to let from year to year, less, in the case of a building, an allowance of ten *per cent.* for the cost of repairs, and for all other expenses necessary to maintain the building in a state to command such gross rent ; and
- (b) the annual value of any building not erected for letting purposes, and not ordinarily let, shall be deemed to be five *per cent.* on the sum obtained by adding the estimated present cost of erecting the building, less a reasonable amount to be deducted on account of depreciation, if any, to the estimated value of the land valued with the building as part of the same premises :

Provided as follows :—

- (i) The annual value of bustee land shall be deemed to be the gross annual rent at which the land might reasonably be expected to let from year to year, *plus* the gross annual rent at which the huts or structures erected by the tenants might reasonably be expected to let from year to year, after deducting therefrom the rent of the lands and an allowance of ten *per cent.* for the cost of repairs, and for all other expenses necessary to maintain such huts or structures in a state to command such gross rent ;

- (ii) in calculating the value of land under clause (a), the value of any machinery thereon shall be excluded ;
- (iii) when a building is occupied by the owner under such exceptional circumstances as to render a valuation of five *per cent.* on the cost of erecting the building, less depreciation, excessive, a lower percentage may be taken ;
- (iv) when any building has been valued at a special percentage taken under proviso (iii), it may be re-valued at any time after the exceptional circumstances referred to in that proviso have ceased to exist.

Ben. Act  
III. 1899,  
s. 152.

**152.** (1) All valuations of buildings and lands situated in the districts mentioned in column 1 of Schedule VII., which have been made by competent authority, and are in force at the commencement of this Act, shall remain in force for the periods, terminating on the dates respectively prescribed in that behalf in column 2 of that Schedule ; and the annual value at which buildings and lands in each such district are to be assessed after the date so prescribed shall be fixed by the Chairman for a period of six years, and thereafter for successive periods of six years :

Provisos as to—

(2) Provided as follows :—

- (a) For the purpose of dividing Calcutta into districts  
     division of Calcutta under section 154, the  
     into districts ; Chairman may retain  
     the valuation of the buildings and lands in  
     any part of Calcutta for a further period not  
     exceeding six years, or may make a re-valuation  
     for a less period than six years ;
- (b) bustee lands, with the huts upon them, or lands  
     bustees and waste that are waste or are  
     and agricultural lands ; used for agricultural  
     purposes, may be valued annually at the

Ben. Act  
III. 1899,  
s. 152.

discretion of the Chairman, and shall be so valued on the application of the owner ; and when such lands are not re-valued, the former valuation shall remain in force from year to year until a re-valuation is made ;

- (c) any building or land, the valuation of which has been cancelled on the ground of irregularity, or which for any other reason has no annual value legally assigned to it, may be valued at any time for such period as remains unexpired in the district in which it is included under section 154 ;
- (d) if, during the currency of any period mentioned in sub-section (1), alterations and improvements ; any substantial alteration and improvement is made in any building, the Chairman may cause such building to be re-valued ; and such re-valuation shall be in force, and the consolidated rate shall be levied according to it, until the expiration of the said period ;
- (e) if, during the currency of any period mentioned in sub-section (1), depreciation ; the value of a building suffers depreciation from any cause proved to the satisfaction of the Chairman to have been beyond the control of the owner or occupier thereof, the Chairman shall, as soon as practicable, on application being made to him in writing by the owner or occupier of such building, cause it to be re-valued ; and such re-valuation shall be in force from the beginning of the quarter following the date of the application, and the consolidated rate shall be levied according to it, until the expiration of the said period ;

(f) if any substantial alteration and improvement alterations and im- is made in any build- improvements after re- ing which has been valuation ; revalued under proviso

Ben. Act  
III. 1899,  
ss. 153-  
155.

(e) prior to the expiration of the period of re-valuation, the Chairman may cause such building to be newly valued ; and such new valuation shall be in force, and the consolidated rate shall be levied according to it, until the expiration of the period mentioned in sub-section (1) ;

(g) if, during the currency of any period mention- sub-division into se- ed in sub-section (1), the separate shares. ownership of any building or land, or portion thereof, be sub-divided into separate shares, the Chairman may, if he thinks fit, on the application of any of the shareholders interested individually or collectively to the extent of one moiety or upwards, apportion the assessment on such building, land, or portion among such shareholders according to the value of their respective shares ; and such apportionment shall be in force, and the consolidated rate shall be levied according to it, until the expiration of the said period.

**153.** For the purpose of levying the consolidated rate on bustee land, the Chairman shall cause the land and the huts standing on it to be valued separately.

Separate valuation of land and huts in case of bustee land.

**154.** For the purpose of valuing buildings and lands for a period of six years, the Chairman shall divide Calcutta into such and so many districts as he may think fit, and proceed to make separate valuations district by district.

Valuation by districts.

**155.** The Chairman may, in his discretion, assess any out-house appurtenant to a building or any portion of a building separately from such building or the other por-

Separate assessment of out-houses and portions of buildings.

Ben. Act  
III. 1899  
ss. 156,  
157.

tions of such building, as the case may be; and when any out-house or portion of a building is so separately assessed, the same shall, for the purposes of this chapter, be deemed to be a separate building.

**156.** (1) The Chairman may, by written notice, require the owner or occupier of any building or land to furnish him, within one week after the service of the notice, with returns of the measurements, and of the rent or annual value of the building or land.

(2) Every owner and occupier on whom any such requisition is made shall be bound to comply with the same, and to make a true return to the best of his knowledge or belief.

(3) The Chairman or any person authorized by him in this behalf may enter, inspect, survey, and measure such building or land.

**157.** (1) When the valuation of the buildings and lands in any of the districts into which Calcutta has been divided under section 154 has been completed, the Chairman shall cause the respective valuations to be entered in a list and give public notice of the place where such list may be inspected.

(2) Such notice shall be by advertisement in local newspapers, and also by placards posted up in conspicuous places throughout such district.

(3) The Chairman shall also cause a placard to be posted up in each bustee, showing separately, for each building situated in the bustee, the valuation assigned to it in the valuation list.

(4) The person having custody of the valuation list shall permit any person to inspect it, and to make extracts from it.

(5) No fee shall be charged for any such inspection; but there shall be payable, by all persons other than own-

ers or occupiers of land in the district and their agents, a fee of one rupee in respect of each entry extracted.

Ben. Act  
III. 1899,  
ss. 158-  
160.

**158.** The Chairman shall, in all cases in which any

Notice when valuation made for the first time or increased.

building or land is for the first time valued, or in which the valuation of any building or land previously valued

is increased, give special notice thereof to the owner or occupier of the same; and when the valuation is increased as aforesaid, the said notice shall contain a statement of the grounds of such increase.

**159.** Before re-valuing any bustee, waste, or agricul-

Notice before re-valuing bustee, waste, or agricultural land.

tural land under proviso (b) to section 152, the Chairman shall give notice to the owner of the land that, on or after

a date not less than fifteen days from the receipt of such notice by such owner, such re-valuation will take place; and if the valuation so made exceeds the previous valuation, the Chairman shall give to the owner a special notice of the amount of the valuation, with full details thereof.

**160. (1)** Any person who is dissatisfied with a valuation

Notice of objection to valuation.

made under this chapter may deliver at the municipal office a written

notice stating the grounds of his objection.

(2) Such notice must be delivered,—

(a) in the case of buildings or lands (other than bustee, waste, or agricultural land), within fifteen days after the publication of the notice referred to in section 157, or after receipt of the notice referred to in section 158, when such notice is received after the publication of the notice referred to in section 157, and

(b) in the case of bustee, waste, or agricultural land, within fifteen days after the receipt of the special notice referred to in section 159.

Ben. Act  
III. 1899,  
ss. 161-  
163.

**161.** (1) All such objections shall be entered in a register to be maintained for the purpose; and, on receipt of any objection, notice shall be given to the objector of a time and place at which his objection will be investigated.

(2) At the said time and place the Chairman shall hear the objection, in the presence of the objector, if he appears, or may, for reasonable cause, adjourn the investigation.

(3) When the objection has been determined, the order passed shall be recorded in the register of objections, together with the date of such order.

**162.** (1) Any person dissatisfied with the orders passed on his objection may appeal to the Court of Small Causes having jurisdiction in the place where the building or land is situated.

(2) Such appeal must be presented to the Court of Small Causes within thirty days of the decision of the objection under section 161, and must be accompanied by an extract from the register of objections containing the orders objected to.

(3) The provisions of Parts II. and III. of the Indian Limitation Act, 1877,\* shall apply to every such appeal.

(4) No appeal shall be admitted under this section unless an objection has first been taken under section 161.

**163.** (1) Every valuation made by the Chairman under this chapter shall, subject to the provisions of sections 160, 161, and 162, be final.

(2) Every determination made by the Chairman under section 161 shall, subject to the provisions of section 162, be final.

(3) Every decision made by the Court of Small Causes under section 162 shall, subject to the provisions of section

Ben. Act  
III. 1899,  
ss. 164,  
165.

6 of the Presidency Small Cause Courts Act, 1882,\* or section 25 of the Provincial Small Cause Courts Act, 1887,† as the case may be, be final.

**164. (1)** The annual value fixed under this chapter shall be entered in one or more books to be kept for the purpose at the municipal office, wherein shall also be written—

- (a) the number of each premises ;
- (b) the description of each premises ;
- (c) the name and place of abode of the person or persons primarily liable to pay the consolidated rate ;
- (d) the amount of the valuation ;
- (e) the amount payable quarterly on account of the said rate ;
- (f) if the premises are exempted from payment of the said rate, the ground of the exemption ; and
- (g) such other particulars, if any, as the Chairman may from time to time direct.

(2) The particulars mentioned in sub-section (1) may be contained in as many books as the Chairman may from time to time determine, which shall together constitute a book to be called the “assessment-book.”

(3) When the name of the owner or occupier of any premises is not known, it shall be sufficient to designate him in the assessment-book as “the owner” or “the occupier,” as the case may be.

**165. (1)** Any owner or occupier may at any time apply to the Chairman to have his name entered as owner or occupier in the assessment-book ; and the Chairman shall, unless there is sufficient reason to refuse such

\* Act XV. of 1882.

† Act IX. of 1887.

**Ben. Act** application (the reason for which refusal shall be recorded  
**III. 1899,** in writing), cause such name to be entered in the assess-  
**s. 166.** ment-book.

(2) Where there are gradations of owners or occupiers, and doubt exists as to who is entitled to have his name entered in the assessment-book as owner or occupier of the premises, the Chairman shall determine which of the several owners or occupiers is so entitled, and his decision shall remain in force for the purposes of this Act, unless and until it is set aside by the order of a competent Court.

(3) No owner or occupier whose name is not entered in the assessment-book shall be entitled to object that any bill, notice of demand, warrant, or other notice of any kind required by this Act to be served on the owner or occupier of a building or land, has not been made out in his own name.

**166.** (1) If any person who has paid the owner's share of the consolidated rate in respect of any building or land for the last preceding quarter applies to have his name entered in the assessment-book as owner of such building or land, and if there is no opposition to the application, but the Chairman rejects or postpones it for want of evidence, the applicant may claim to have his name provisionally registered as owner of the building or land.

(2) Upon such registration being made, such person shall enjoy all the privileges and be subject to all the liabilities attaching under this Act to the owner of such building or land so long as no other person claims to have his name entered in the assessment-book or provisionally registered as owner thereof :

Provided that no person shall be entitled to vote at any election by reason of his name being provisionally registered as owner of any building or land.

(3) A list shall be published annually, in such manner as the Chairman may determine, stating the names of all

persons whose names are provisionally registered under this section, and the premises in respect of which they are so registered.

Ben. Act  
III. 1899,  
ss. 167,  
168.

**167.** Any name provisionally registered as that of an owner of any building or land shall, after three years, if no objection be taken, be transferred to the assessment-book as that of the owner of such premises.

Transfer to assessment-book of names provisionally registered.

**168. (1)** Notwithstanding anything contained in section 163, the Chairman may at any time amend the assessment-book—

Amendment of assessment-book.

(a) by inserting therein the name of any person whose name ought, in his opinion, to be so inserted, or by inserting any building or land which is, in his opinion, liable to the consolidated rate, or by inserting a valuation when the building or land liable to be valued has not been valued ; or

(b) by striking out the name of any person, or by striking out any building or land which is, in his opinion, not liable to the consolidated rate, or by reducing the amount of any valuation :

Provided that, whenever it is proposed to make any amendment under clause (a), notice shall be given to persons interested, of a day, not being less than fifteen days from the service of the notice, on which it is intended to make the amendment.

(2) If any amendment be made under clause (a), any person interested in such amendment may object by written application to the Chairman, to be delivered at the municipal office three clear days before the day fixed in the said notice ; and the provisions of sections 160 to 163 shall, so far as may be practicable, apply to such objection.

Ben. Act.  
III. 1899,  
ss: 169-  
172.

**169.** When the valuation of any building or land is revised in consequence of an objection made under section 160, or an appeal preferred under section 162, the revised valuation shall continue in force for the unexpired portion of the period for which the first-mentioned valuation was made, and no longer.

**170.** (1) The assessment calculated on the valuation for the time being shown in the assessment-book shall be deemed to be the amount payable during the whole period for which the valuation is in force.

(2) When any amendment has been made in the assessment-book, the said period shall be calculated from the commencement of the quarter next succeeding that in which the notice of objection was delivered under section 160 or section 168, sub-section (2), or, if no such notice has been delivered, then from the commencement of the quarter next succeeding that in which such amendment was made; and until that time the old valuation shall continue in force, notwithstanding that the period for which it was made may have expired.

*Payment and Recovery of the Consolidated Rate.*

**171.** One-half of the consolidated rate shall be payable by the owners of the buildings and lands, and the other half by the occupiers thereof; and each such instalment shall be payable on or before the fifteenth day of April, the fifteenth day of July, the fifteenth day of October, and the fifteenth day of January for the quarters respectively commencing on the first day of each of those months.

**172.** If the annual value of any building or land, as determined under this chapter, exceeds in any case the amount of rent payable to the owner, the owner may in such case recover from the person who pays him rent the difference be-

Recovery by owner from tenant in certain cases of part of the owner's share of the consolidated rate.

Ben. Act  
III. 1899,  
ss. 173-  
175.

tween the sum assessed upon him as the owner's share of the consolidated rate and the sum at which he would have been assessed had the building or land been valued only at the amount of rent actually payable to him, and such difference shall be added to the rent and shall be recoverable as rent by the owner from the person liable for the payment of the rent.

**173.** When any building or land whereon the con-

Refund of owner's share of consolidated rate for period of vacancy.

solidated rate is assessed has remained unoccupied and unproductive of rent for a period of sixty or more consecutive days during any year, the person

liable to pay the owner's share of the consolidated rate shall, if written notice of the facts be given to the Chairman, be liable to pay only one-fourth of the consolidated rate due on account of such period; and if more than one-fourth of the consolidated rate has been paid in advance, the surplus shall, on demand, be refunded.

**174.** When any building or land whereon the conso-

Refund of occupier's share of consolidated rate for period of vacancy or of occupation by new occupier.

lidated rate is assessed is unoccupied, the person liable to pay the occupier's share of the rate up to the beginning of the period of the vacancy shall, if he has paid for the whole quarter, be

entitled to a refund of all moneys paid by him on account of the rate for the said period, or for the period during which the building or land has been occupied by a new occupier, if written notice of the facts has been given to the Chairman.

**175.** Every notice referred to in section 173 or sec-

Notice under section 173 or section 174 when to be delivered.

tion 174 must be given during the period for which the building or land is unoccupied and unproductive of

rent, or during the period of the vacancy, as the case may be; and such period shall be calculated from the date on which such notice is delivered at the municipal office.

Ben. Act  
III. 1899,  
ss. 176-  
180.

**176.** No refund shall be made under section 173 or section 174 unless the same is applied for within six months from the date on which the notice was delivered as aforesaid.

**177.** Whenever any building or land which has been unoccupied is re-occupied during any quarter, there shall forthwith be payable in respect of such building or land the full occupier's share of the consolidated rate for the period between the date of re-occupation and the last day of the quarter.

**178.** If any building is occupied by more than one person holding in severalty, or is valued at less than two hundred rupees, the Chairman may, notwithstanding anything contained in section 171, levy the entire consolidated rate from the owner of the building.

**179.** When the entire rate is paid by the owner of any building under section 178, such owner may, if there be but one occupier of the building, recover from such occupier half of the rate so paid by him, and may, if there be more than one occupier, recover from each occupier half of such sum as bears to the entire amount of rate so paid by the owner the same proportion as the value of the portion of the building in the occupation of such occupier bears to the entire value of such building.

**180.** (1) Notwithstanding anything contained in section 171, the entire consolidated rate leviable upon—

- (a) bustee land,
- (b) huts situated on bustee land, and
- (c) any masonry building situated in a bustee on land which is not held on a lease for a term exceeding ten years,

Ben. Act  
III. 1899,  
ss. 181-  
184.

shall, after deducting therefrom a sum equal to one-eighth of such rate, be paid by the owner of such land.

(2) The sum so deducted shall be retained by the owner of the land as a set-off against the expenses which may be incurred in collecting the portion of the rate recoverable under section 182 from the owners of huts or such masonry buildings as aforesaid, and is a commutation of all refunds in respect of huts or such masonry buildings as aforesaid, which are vacant or which may be removed or destroyed during the continuance of the period for which the rate is leviable.

**181.** The consolidated rate shall not be payable on account of any new huts built or any huts enlarged on bustee land during the year for which the valuation remains in force under proviso (b) to section 152.

**182.** Whenever the consolidated rate is leviable on bustee land, or on any masonry building referred to in clause (c) of section 180, the owner of the land may recover from the owner of each hut or each such masonry building half the consolidated rate paid by him for the land on which the building stands, and the entire consolidated rate payable on account of the building.

**183.** Every owner who is entitled under section 179 or section 182 to recover any sum from the occupier of any building or of any portion thereof, or from the owner of any hut or masonry building in a bustee, shall have, for the recovery of such sum, all remedies, powers, rights, and authorities which he has for the recovery of rent.

**184.** With the previous sanction of the General Committee, the Chairman may, by order, from time to time and for such period as may be specified in the order, except any bustee or any part of a bustee from the operation of sections 180, 182, and 183; and, while any such order

Ben. Act  
III. 1899,  
ss. 185-  
187.

is in force in respect of any bustee or part thereof, the other provisions of this Act as to the payment and recovery of the consolidated rate shall apply to such bustee or part.

**185.** The Chairman may, by written notice, require the occupier of any building or land to furnish him, within fifteen days, with the name and address of the owner of such building or land; and such name and address when so furnished shall be registered provisionally in the assessment-book.

**186.** If the occupier of any building or land refuses or neglects to comply with a notice served under section 185, he shall be liable to pay the rate payable by the owner on account of such building or land; and, on non-payment thereof, the Chairman may recover the same by distress and sale of any moveable property found in the building or on the land:

Provided that no arrear which has remained due from the owner of any building or land for more than one year shall be so recovered from the occupier thereof.

**187. (1)** When an objection to a valuation has been made under section 160, the consolidated rate shall, pending the final determination of the objection, be paid on the same assessment as before.

Payment of assessment how affected by objections to valuation.

(2) If, in consequence of any such objection, an amendment in any valuation is made which alters the amount of the assessment, the difference, if too much has been paid, shall be repaid or refunded to the objector, or allowed to be set off against any present or future demand of the Corporation against him under the provisions of this Act, and, if too little has been paid, shall be deemed to be an arrear of the consolidated rate, and shall be payable and recoverable accordingly.

## CHAPTER XIII.—TAX ON CARRIAGES AND ANIMALS.

Ben. Act  
III. 1899,  
ss. 188,  
189.

**188.** (1) A tax, at rates not exceeding those respectively prescribed in Schedule VIII., shall be imposed upon all carriages and animals specified in that schedule, and kept in Calcutta, except—

- (a) carriages none of the wheels of which exceed twenty-four inches in diameter;
- (b) carriages kept for sale by *bond fide* dealers in such carriages and not used for any other purpose;
- (c) carriages and animals belonging to the Government or the Corporation;
- (d) carriages and animals certified by the Chairman or the Commissioner of Police to be used by the owner thereof for municipal or police purposes;
- (e) tram-cars and animals employed in working street tramways;
- (f) horses referred to in section 25 of the Indian Volunteers Act, 1869;\* and
- (g) horses which any person exempted from the operation of any municipal tax by an order issued under section 3 of the Municipal Taxation Act, 1881,† is bound, by the regulations of the service to which he belongs, to keep.

(2) The rates at which the said tax is to be imposed shall be determined annually in the Budget Estimate prepared under Chapter IX.

Tax when payable.

**189.** The said tax shall be payable half-yearly in advance.

\* XX of 1869.

† XI of 1881.

Ben. Act  
III. 1899,  
ss. 190,  
191.

**190.** The Registrar appointed under section 5 of the Calcutta Hackney Carriage Act, 1891,\* shall, before registering any hackney carriage, satisfy himself that the tax imposed under section 188 upon such carriage and the animals used therefor has been duly paid for the last preceding half-year and the next ensuing half-year.

**191.** (1) The owner or the person in charge of any carriage or animal liable to the tax imposed under section 188 shall, before the first day of May and the first day of November in each year,—

Obligation to furnish statements, and payment and remission of tax.

(a) forward to the municipal office a written statement, signed by him, containing a description of all carriages and animals owned by him or in his charge which are liable to the tax, and

(b) at the same time pay to the Corporation such sum as is payable by him for the half-year commencing on the first day of April or October (as the case may be) for the carriages and animals specified in the said statement, according to the rates prescribed in Schedule VIII.

(2) Any person who becomes the owner or takes charge between the first day of April and the first day of October, or between the first day of October and the first day of April, of any carriage or animal which is liable to the tax imposed under section 188, shall, within one week of his so becoming owner or taking charge,—

(i) forward to the municipal office a statement of the kind prescribed in clause (a), and

(ii) at the same time pay to the Corporation the amount payable for the whole of the then

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\* Ben. Act II. of 1891.

current half-year according to the rates prescribed in Schedule VIII.

Ben. Act.  
III. 1899,  
ss. 192,  
193.

(3) If the Chairman is satisfied that any such carriage has not been used within the half-year, or that any such carriage or animal has been kept for only a portion of the then current half-year, he may refund or remit the whole of the amount so payable or such portion thereof as he may think fit.

(4) For the purposes of this section a livery-stable-keeper shall be deemed to be the owner or to be in charge of every animal in his stables.

**192.** The Chairman may from time to time, by written notice, require the occupier of any building or land to forward to him a statement, signed by such occupier, showing—

Power to require occupier to furnish statements.

(1) the name and address of every person who owns or is in charge of any carriage or animal which is kept in or on such building or land and is liable to the tax imposed under section 188, and

(2) a description of all such carriages and animals.

**193.** (1) When any person pays to the Corporation the amount of the said tax which is payable in respect of all carriages and animals kept by him, the Chairman shall grant him a license to keep such carriages and animals during the current half-year ending upon the thirtieth day of September or the thirty-first day of March next after the grant of such license, and no longer.

(2) The Chairman may at any time grant a license for any previous half-year for which no license has been taken out, on payment of the amount due for that half-year; but the production of such a license shall not afford a valid defence if the licensee is prosecuted for failing to take out a license within the time required by this Act.

Ben. Act  
III. 1899,  
ss. 194-  
196.

**194.** The Chairman may, at his discretion, compound, for any period not exceeding one year, with livery-stable-keepers and other persons keeping carriages for hire, or animals for sale or hire, for a certain sum to be paid for the carriages or animals so kept by such persons in lieu of the tax imposed under section 188.

**195.** The Chairman may, by written notice, require any person who carries on the trade or business of a livery-stable-keeper to produce, for the inspection of the Chairman or of any officer authorized by him in this behalf, all books and accounts relating to such trade or business.

**196.** (1) The Chairman may enter and inspect any stable or coach-house, or any place wherein he has reason to believe that there is any carriage or animal liable to the tax imposed under section 188 ;

and, if the Chairman at any time finds any carriage or animal in respect of which no license has been obtained, he may, if the owner or person in charge of such carriage or animal is unknown, by written order authorize any of the subordinate officers of the Corporation to take possession of such carriage or animal ; and the Chairman shall make such order as he may think fit respecting the custody thereof.

(2) If any person within the period of one month establishes his claim to the possession of such carriage or animal, the Chairman shall order it to be delivered to him on payment of the tax due, together with such costs as the Corporation have reasonably incurred in taking possession of and keeping the same.

(3) If no person within the said period satisfies the Chairman that he is entitled to the possession of such carriage or animal, it may be sold for the recovery of the tax and costs aforesaid ; and if any person whose carriage or animal has been sold establishes his claim within six months to the net proceeds of such sale ; the Chairman

shall order the proceeds of such sale, after deducting the tax due and all costs incurred in consequence of the seizure and sale, to be delivered to him.

**197. (1)** The Chairman shall from time to time cause

List of licensees and to be prepared a list of the persons to  
carriages and animals whom, during the then current period  
taxed. of six months, licenses have been

granted under section 193, and of the carriages and animals in respect of which the same have respectively been granted.

(2) Such list shall be entered in distinct columns in a book to be kept at the municipal office, and such book shall be open to the inspection of any applicant.

#### CHAPTER XIV.—TAX ON PROFESSIONS, TRADES, AND CALLINGS.

**198.** Every company or association or body of in-

Licenses to be taken out annually. individuals which exercises in Calcutta, either by itself or by an agent, any profession, trade, or calling whatsoever, and

every person who exercises in Calcutta any of the professions, trades, or callings indicated in Schedule II.,

shall annually take out a license and pay for the same such fee as is mentioned in that behalf in the said schedule :

Provided that the Chairman may, with the sanction of the General Committee,—

(a) remit or refund any portion of the fee so payable in respect of the exercise of any profession, trade, or calling, if he is satisfied that the profession, trade, or calling has been exercised for less than half the year only ; or,

(b) when any person is in the Chairman's opinion unable to pay the fee due for a license, exempt him from liability to take out such license, or declare that he shall be entitled to take out a license under a lower class than that under which he is chargeable ; or,

Ben. Act  
III. 1899,  
ss. 199-  
201.

- (c) in any other case, exempt any person from liability to take out a license, or declare that any person shall be entitled to take out a license under a lower class than before.

**199.** (1) Every license mentioned in section 198 shall be granted by the Chairman, and shall specify—  
Grant, contents, and duration of licenses.

- (a) the date of the grant thereof ;  
(b) the name of the company, association, body, or person to which or to whom it is granted ;  
(c) the profession, trade, or calling, and, if the license is a local license as defined in rule 2 of Schedule II., the place of business in respect of which the license is granted, and  
(d) the fee paid for the license.

(2) Every such license shall have effect and continue in force from the commencement to the end of the financial year on account of which it is granted.

(3) The Chairman may at any time grant a license for any previous financial year for which no license has been taken out, on payment of the fee which would have been payable therefor in the first instance ; but the production of such a license shall not afford a valid defence if the licensee is prosecuted for failing to take out a license within the time required by this Act.

**200.** The liability of any company, association, body, or person to take out a license, and the class under which it or he shall be deemed bound to take out a license, shall be determined in accordance with the rules contained in Schedule II.  
Liability and class how to be determined.

**201.** The Chairman may, by written notice, require the occupier of any building or place of business to forward to him within seven days a list, signed by such person, of the names of all companies,  
Power of Chairman to require list of companies, associations, bodies, or persons.

Ben. Act  
III. 1899,  
ss. 202-  
204.

associations or bodies of individuals or persons carrying on any profession, trade, or calling therein, and of their respective professions, trades, and callings.

**202.** (1) As soon as may be after the first day of April in every year, the Chairman shall prepare a list of the companies, associations, bodies, and persons licensed for the next preceding financial year under this chapter.

(2) Such list shall contain the particulars specified in section 199, and shall be kept at the municipal office, and be open to public inspection at all reasonable times.

#### CHAPTER XV.—SCAVENGING TAX.

**203.** Every person who exercises in Calcutta any of the callings indicated in Part I. of Schedule IX. shall every half-year take out a license and pay for the same a fee, to be calculated according to the number of animals kept by him in the exercise of such calling, at the rates mentioned in Part II. of the said Schedule, or at such other rates as may be prescribed by bye-laws made under section 559, clause (2):

Provided that the Chairman may remit or refund the whole or any portion of the fee so payable by any person in respect of any half-year if he is satisfied that such person himself removes the offensive matter and rubbish accumulating on his premises, or has exercised his said calling for a portion only of such half-year.

Grant, contents, and duration of licenses.

**204.** (1) Every such license shall be granted by the Chairman, and shall specify—

- (a) the date of the grant thereof,
- (b) the name of the person to whom it is granted,
- (c) the calling in respect of which it is granted,
- (d) the animals in respect of which it is granted, and
- (e) the fee paid for it.

Ben. Act  
III. 1899,  
ss. 205-  
207.

(2) Every such license shall have effect and continue in force from the first day of April to the thirtieth day of September, or from the first day of October to the thirty-first day of March, and shall be taken out not later than the first day of June or the first day of December, as the case may be.

**205.** (1) As soon as may be after the first day of April Half-yearly list of and the first day of October in every licensees. year, the Chairman shall prepare a list of the persons licensed for the next preceding half-year under this chapter.

(2) Such list shall contain the particulars specified in section 204, and shall be kept at the municipal office, and be open to public inspection at all reasonable times.

#### CHAPTER XVI.—TAX ON PETROLEUM.

**206.** (1) With the previous sanction of the Local Government, the Corporation may, by Storage and taxation of petroleum. notification in the Calcutta Gazette, prohibit the introduction into Calcutta, for the purpose of storage therein, of petroleum intended for consumption elsewhere.

(2) No person shall introduce petroleum into Calcutta in contravention of any prohibition notified under sub-section (1).

(3) When any notification has been published under sub-section (1), a tax not exceeding four annas for every ten gallons may, with the sanction of the Local Government, be imposed, in the manner provided by Chapter IX., on all petroleum introduced into Calcutta for consumption therein.

**207.** All petroleum introduced in Calcutta in contra- Confiscation of petroleum. vention of any notification published under section 206, sub-section (1), or of any bye-law made under section 559, clause (3), may be

seized and confiscated, and all petroleum confiscated under this section shall become the property of the Corporation.

Ben. Act  
III. 1899,  
ss. 208,  
209.

### CHAPTER XVII.—TAX ON CARTS.

Registration and numbering of carts. **208.** (1) Every cart kept or used within Calcutta or Howrah, except—

- (a) carts which are the property of the Government,
- (b) carts which are the property of the Corporation of Calcutta or the Commissioners of Howrah or any adjacent municipality, and
- (c) carts which are kept at any place more than eight miles distant from Government House, and are only temporarily and casually used within Calcutta or Howrah,

shall be registered at the municipal office with the name and residence of the owner, and shall have the number of such registration affixed thereto in such manner as the Chairman may direct.

(2) Such registration shall be made, and the said numbers assigned, half-yearly on or after the first day of April and the first day of October in each year, upon such days as the Chairman may appoint in that behalf.

Fees for registration, and division thereof. **209.** (1) A fee of four rupees shall be paid for each such registration.

(2) The Chairman may, in his discretion, remit any portion of the said fee in respect of any cart which he is satisfied has been kept or used for a portion of the half-year only.

(3) When any registered cart is transferred during any half-year, it shall be re-registered in the name of the person to whom it has been transferred; and a fee of four annas shall be paid for every such re-registration.

(4) The total net proceeds of the fees half-yearly received by the Corporation for the registration of carts, after

Ben. Act  
III. 1899,  
ss. 210-  
212.

deduction of the charges incurred on account of such registration, shall be divided between the Corporation of Calcutta and the Commissioners of Howrah and such other municipalities adjacent to Calcutta or Howrah as the Local Government shall declare to be entitled to a share in such receipts, in such proportion as the Local Government may from time to time determine.

**210.** (1) No person shall keep, or be in possession of, a cart not duly registered as required by this chapter.

Prohibitions.

(2) No owner or driver of a cart shall fail to affix the registration number required by section 208.

**211.** (1) If any person owns or keeps any cart hereinbefore required to be registered, without having caused the same to be registered, the Chairman may seize such cart (provided the same be not employed at the time of the seizure in the conveyance of passengers or goods), together with the animals drawing the same, and detain them in a place to be appointed by him, in this behalf.

Seizure and sale of unregistered carts, and application of proceeds.

(2) If any cart or animals so seized be not claimed within ten days, it or they may be sold at auction by order of a Magistrate.

(3) The proceeds of such sale may be applied to defraying the expenses incurred on account of the seizure, detention, and sale; and the surplus (if any), if not claimed within a further period of twenty days, shall be paid to the credit of the municipal funds.

#### CHAPTER XVIII.—SPECIAL PROCEDURE FOR RECOVERY OF THE CONSOLIDATED RATE AND OTHER TAXES.

**212.** The provisions of this chapter shall be deemed to be in addition to, and not in derogation of, any powers conferred by or under other chapters for the collection or recovery of the consolidated rate and other taxes.

Saving of other chapters.

*The Consolidated Rate.*Ben. Act  
III. 1899,  
ss. 213-  
215.

**213.** (1) When the consolidated rate or any instalment thereof is due, the Chairman shall, with the least practicable delay, cause to be presented to the person liable, a bill for the sum due.

Presentation of bills.

(2) Every such bill shall specify the period for which, and the premises in respect of which, the rate is charged.

(3) If any person is liable for the consolidated rate on account of more properties than one, the Chairman may charge to him in one or several bills, as the Chairman may think fit, the several sums payable by him on account of such properties :

Provided that if such person, by written notice to the Chairman, requests to be furnished with separate bills, the Chairman shall comply with such request in respect of all payments on account of the said rate for which such person becomes liable after receipt by the Chairman of such notice.

**214.** (1) If the amount for which any bill has been presented as aforesaid is not paid, within seven days from such presentation, into the municipal office, or to an officer appointed to receive the same, the Chairman may cause to be served upon the person liable a notice of demand in the form contained in Schedule X. or in a form to the like effect.

Notice of demand.

(2) For every such notice of demand a fee of such amount, not exceeding one rupee, as may in each case be fixed by the Chairman, shall be payable by the said person, and shall be included in the costs of recovery.

**215.** (1) If the person liable for the payment of the rate does not, within seven days from the service of the notice of demand, pay the sum due, or show sufficient cause to the satisfaction of the Chairman for non-payment of the same, such sum, with all costs of recovery, may be levied under a

Distrain.

Ben. Act  
III. 1899,  
ss. 216,  
217.

warrant in the form of Schedule XI., or in a form to the like effect, to be issued by the Chairman, by distress and sale of the moveable property of the defaulter, or, if the defaulter be the occupier of any premises in respect of which the rate is due, by distress and sale of any moveable property found on the said premises :

Provided that, when the premises in respect of which the default is committed are a place of business, and the moveable property distrained is shown to the satisfaction of the Chairman to have been left there for repairs or safe custody in the ordinary course of business, it shall be released.

(2) The moveable property of any person liable for the payment of any sum, for the levy of which a warrant has been issued as aforesaid, may be distrained wherever the same be found.

(3) For every warrant issued under this section, a fee shall be charged at the rate mentioned in that behalf in Schedule XII., and the said fee shall be included in the costs of recovery.

**216.** The Chairman may, in his discretion, remit the whole or any part of any fee chargeable under section 214, sub-section (2), or section 215, sub-section (3).

Power to remit fees payable for notice of demand or warrant of distress.

**217.** Any officer charged with the execution of a warrant of distress issued under section 215 may, under the special order of the Chairman to be recorded in writing, between sunrise and sunset break open any outer or inner door or window of a building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure, and if, after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance :

Power to break open door or window.

Provided that such officer shall not enter, or break open the door of, any apartment appropriated to females,

Ben. Act  
III. 1899,  
ss. 218-  
221.

until he has given three hours' notice of his intention, and has given such females an opportunity to remove.

**218.** The officer charged with the execution of a warrant of distress issued under section 215 shall forthwith make an inventory of the moveable property which he seizes under such warrant, and shall at the same time give a written notice, in the form of Schedule XIII., or in a form to the like effect, to the person in possession thereof at the time of seizure, that the said moveable property will be sold as therein mentioned:

**219.** If there is reason to believe that any property so seized is likely, if left in the place where it is found, to be removed by force, the officer executing the warrant may, under the special order of the Chairman, take it to the municipal office or any place appointed by the Chairman.

**220.** All distresses under this Act shall be reasonable; and the amount of all property seized thereunder shall be proportionate to the arrears due.

**221.** (1) If a warrant of distress issued under section 215 is not in the meantime suspended by the Chairman or discharged, the moveable property seized shall, after the expiry of the period named in the notice served under section 218, be sold by order of the Chairman.

(2) All sales of property under this section shall, so far as may be practicable, be regulated by the procedure for the time being in force in the Court of Small Causes of Calcutta with respect to sale after distress.

(3) No municipal officer or servant shall, directly or indirectly, purchase any property at any such sale.

(4) The Chairman shall apply the proceeds of every such sale, or such part thereof as shall be requisite, in discharge of the sum due and of the costs of recovery.

Ben. Act  
III. 1899,  
ss. 222,  
223.

(5) The surplus, if any, shall be forthwith credited to the appropriate municipal fund; but if the same be claimed by written application to the Chairman within three years from the date of the sale, a refund thereof shall be made to the person in possession of the moveable property at the time of the seizure.

(6) Any surplus not claimed within three years as aforesaid shall be the property of the Corporation.

**222.** (1) If the sum due from the owner of any building or land on a count of the consolidated rate remains unpaid after notice of demand has been duly served upon him, the Chairman may cause a notice of demand to be served upon the occupier of the building or land, or upon any of his sub-tenants for the time being thereof.

Recovery of rate  
from occupier or his  
sub-tenants, and de-  
duction of amount  
from rent.

(2) If the occupier or any of such sub-tenants fails within fifteen days from the service of such notice to pay the amount therein demanded, the said amount may be recovered from him by distress and sale in the manner hereinbefore prescribed.

(3) No arrear of the consolidated rate shall be recovered from any occupier or sub-tenant under this section if it has remained due for more than one year, or if it is due on account of any period for which such occupier or sub-tenant was not in occupation of the premises on which the rate is assessed.

(4) If any sum is paid by, or recovered from, an occupier or sub-tenant under this section, he shall be entitled to deduct the same from the rent for the period for which the arrear of consolidated rate was due, or the rent of any subsequent period.

**223.** The purchaser of any building or land in respect of which any sum is due at the time of the purchase on account of the share of the consolidated rate pay-

Liability of pur-  
chaser for vendor's  
share of consolidated  
rate.

able by the owner shall be liable for the amount due on account of such share for any period not exceeding one year prior to the purchase.

Ben. Act  
III. 1899,  
ss. 224-  
226.

**224.** If no sufficient moveable property belonging to a defaulter can be found within Calcutta, or, where the defaulter is the occupier of premises in respect of which the consolidated rate is due, if no sufficient moveable property can be found on such premises, the Chairman may issue a warrant for the distress and sale of any moveable property belonging to the defaulter within the jurisdiction of any Magistrate in Bengal outside Calcutta; and any Magistrate to whom a warrant is so issued shall endorse the same and cause it to be executed, and shall remit the proceeds of the sale to the Chairman; and such proceeds shall be dealt with as prescribed by section 221.

**225.** No distress levied under this Act shall be deemed Distraint not unlawful for want of form. unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such person be deemed a trespasser on account of any irregularity committed by him; but all persons aggrieved by such irregularity may recover, in any Court of competent jurisdiction, full satisfaction for any special damage sustained by them.

**226. (1)** If the Chairman at any time has reason to believe that any person from whom any sum is due on account of the consolidated rate is about forthwith to remove from Calcutta, the Chairman may direct the immediate payment by such person of the sum so due by him, and cause a bill for the same to be presented to him.

(2) If, on presentation of such bill, the said person do not forthwith pay the sum due by him, the amount shall

Ben. Act  
III. 1899,  
ss. 227-  
229.

be leviable by distress and sale in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand, and the Chairman's warrant for distress and sale may be issued and executed without any delay.

**227.** Instead of proceeding against a defaulter by Power to sue for distress and sale as hereinbefore provided, or after a defaulter has been so proceeded against unsuccessfully or with only partial success, any sum due, or the balance of any sum due, as the case may be, by such defaulter, on account of the consolidated rate, together with all costs, may be recovered from him by suit in any Court of competent jurisdiction.

**228.** The consolidated rate due in respect of any building or land shall, subject to the prior payment of the land-revenue, if any, due to the Government thereupon, be a first charge upon the said building or land and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such rate.

#### *Other Taxes.*

Power to prosecute or serve notice of demand.

**229.** (1) When any sum is due on account of—

- (a) the tax on carriages and animals (other than hackney-carriages and animals used therefor),
- (b) the tax on professions, trades, and callings, or
- (c) the scavenging tax,

the Chairman may either prosecute the defaulter under section 578, or cause to be served on him a notice of demand in the form contained in Schedule X. or in a form to the like effect.

(2) The provisions of section 214, sub-section (2), and sections 216 and 225, shall apply to every such notice of demand.

Ben. Act  
III. 1899,  
ss. 230-  
233.Election by default-  
er to appear before  
Magistrate or Chair-  
man.**230.** Within seven days after the service of any such notice of demand, the defaulter may either—

- (a) pay the sum demanded, together with any fee imposed under section 214, sub-section (2), or
- (b) send a letter to the Chairman, enclosing the sum demanded, and electing to be prosecuted under section 578, or
- (c) appear before the Chairman, personally or by agent, and contest the demand.

**231.** (1) If the defaulter adopts the procedure provided by clause (b) of section 230, he shall be prosecuted as therein mentioned, and the sum deposited under that clause shall be deducted from the amount of any fine imposed under section 578.

(2) If he contests the demand in pursuance of clause (c) of the said section, the decision of the Chairman, after hearing anything that may be urged by him or on his behalf, shall be final; and if the Chairman finds that the whole amount of the demand is due, he may, by way of penalty for previous failure to pay such amount, increase the same by any sum not exceeding fifty *per cent.* thereof.

**232.** If, within seven days after the service of any such notice of demand, the defaulter has not taken any of the courses permitted by section 230, the Chairman may, by way of penalty for previous failure to pay such amount, increase the same by any sum not exceeding fifty *per cent.* thereof.

Powers of Chairman  
where defaulter does  
not appear before Ma-  
gistrate or Chairman.

**233.** (1) If, in any case referred to in section 231, sub-section (2), or section 232, the amount of the demand, together with

Distrain.

the amount of any penalty imposed thereunder, be not forthwith paid, the same may, with all costs of recovery, be levied, under a warrant in the form of Schedule XI., or in

Ben. Act a form to the like effect, by distress and sale of the move-  
 III. 1899, able property of the defaulter.

ss. 234-  
 236.

(2) The provisions of section 215, sub sections (2) and (3), sections 216 to 220, section 224, and section 225, shall apply whenever a warrant is issued under sub-section (1) of this section.

## CHAPTER XIX.—SUPPLEMENTAL PROVISIONS.

**234.** No assessment and no charge or demand of any rate or other tax made under the authority of this Act shall be impeached or affected by reason of any mistake in the name, residence, place of business, or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of form ;

and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known ; and it shall not be necessary to name the owner or occupier thereof.

**235.** The Corporation may order to be struck off the books any sum due on account of the consolidated rate or any other tax which may appear to them to be irrecoverable.

## PART V.—THE PUBLIC HEALTH, SAFETY, AND CONVENIENCE.

### CHAPTER XX.—WATER-SUPPLY.

#### *Proprietary Rights of the Corporation.*

**236.** All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, taps, and other water-works, whether made, laid, or erected at the cost of the municipality, vested in the Corporation.

cipal funds or otherwise, and all bridges, buildings, engines, works, materials, and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall be vested in the Corporation.

Ben. Act  
III. 1899,  
ss. 237-  
240.

*General Duties of the Municipal Authorities in respect of the Supply of Water.*

**237.** The Corporation shall provide a supply of filtered water within all parts of Calcutta, and a supply of unfiltered water within such parts of Calcutta as they may think fit, and shall cause such separate mains, pipes, and taps to be laid and placed, and such tanks, engines, reservoirs, and other works to be made and constructed, either within or without Calcutta, as may be necessary for the supply of filtered water in the principal public streets.

**238.** (1) The Corporation shall erect sufficient and convenient public stand-posts for the gratuitous supply of filtered water for domestic purposes.

(2) All such stand-posts shall be supplied with a sufficient quantity of filtered water, and no unfiltered water shall be supplied thereto.

**239.** (1) The Corporation shall erect sufficient and convenient platforms for the gratuitous supply of water for bathing purposes.

(2) All such bathing platforms shall, as far as may be practicable, be supplied with filtered water; but if it is impracticable to supply any bathing platform with filtered water, unfiltered water shall be supplied therefor.

**240.** On all distribution pipes in the unfiltered water system, the Chairman shall provide hydrants, &c., for street-watering, &c. suitable hydrants for street-watering, fire-extinguishing, washing down hackney-carriage stands, and flushing street-gullies, together with such sluices,

Ben. Act III. 1899, ss. 241-244. branches, and appliances as may be necessary for the efficient flushing of the municipal drains.

**241.** (1) The Corporation shall gradually convert the existing intermittent system of supplying filtered water into a continuous system.

Introduction of continuous system of supplying filtered water.

(2) Such conversion shall be completed.—

(a) in the area newly added to Calcutta by the Calcutta Municipal Consolidation Act,\* within a period of seven years after the commencement of this Act; and

(b) in the rest of Calcutta, within a period of five years after the commencement of this Act:

Provided that the Local Government may, by notification in the Calcutta Gazette, extend either of the said periods.

**242.** The pressure of the supply of filtered water shall, where the continuous system is in force, be not less than forty feet;

Pressure of supply.

and the pressure of the supply of unfiltered water shall also be not less than forty feet, except during those hours when the pressure is locally reduced by street-watering, drain-flushing, or extinguishing fire:

Provided that the General Committee may authorize a lower pressure in any case in which they may consider it impracticable to secure a pressure of forty feet.

**243.** It shall be the duty of the Chairman to test the purity of the supply of filtered water once every week, and to lay the result before the General Committee.

Testing of purity of filtered water.

### *Use of Water.*

**244.** Subject to the provisions of section 254, filtered water shall be supplied for domestic purposes only.

Use of filtered water.

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\* Ben. Act II. of 1888.—Repealed by this Act.

**245.** No person shall, without the written permission of the Chairman, use for other than domestic purposes filtered water supplied under this chapter for the said purposes.

Ben. Act  
III. 1899.  
ss. 245-  
247.

Prohibition of improper use of filtered water supplied for domestic purposes.

Use of unfiltered water.

**246.** (1) Unfiltered water shall be used for public purposes, such as—

- (a) street-watering,
- (b) flushing of municipal drains, public privies and urinals, gully pits, and hackney-carriage stands,
- (c) extinguishing fire;

and shall also be used for such other purposes as the Corporation may direct.

(2) Unfiltered water may also be used, free of charge,—

- (i) for flushing privies and urinals on private premises connected with the sewers, and
- (ii) for flushing drains on private premises, and for cleansing stables, cattle-sheds, and cow-houses occupied by animals which are not kept for profit or hire.

(3) Unfiltered water shall not be used for domestic purposes.

**247.** (1) Wherever filtered water is already supplied

Substitution of unfiltered for filtered water. for flushing privies or urinals, the Chairman may, at the expense of the municipal funds, and not otherwise, stop the supply of filtered water, and in lieu thereof provide unfiltered water for such privies or urinals.

(2) Where, in any case not referred to in sub-section (1), filtered water is supplied to any person for any purpose other than a domestic purpose, the Chairman may at any time cut off such supply; and if such person desires to continue using water for any purpose for which filtered water was so supplied, he must obtain a supply of unfiltered water at his own expense.

Ben. Act  
III. 1899,  
ss. 248-  
250.

*Supply of Water to Premises and Ships.*

**248.** Subject to the provisions of section 283, the occupier of every building connected with the water-supply shall be entitled to have, free of further charge, not more than four thousand gallons of filtered water for every rupee paid to the Corporation as water-rate on account of such building, together with a sufficient supply of unfiltered water for flushing privies, urinals, and drains, and for cleansing stables, cattle-sheds, and cow-houses occupied by animals which are not kept for profit or hire.

**249.** Whenever the Chairman considers it practicable and consistent with the maintenance of an efficient water-supply to do so, he shall allow any person living in a masonry building, and paying the water-rate hereinbefore mentioned, to lay down service-pipes from the mains of the Corporation for the purpose of bringing into the premises occupied by such person a supply of filtered and unfiltered water for use therein.

**250.** (1) Any occupier of a masonry building who holds the same direct from the owner may, by written notice signed by him, require the owner to provide all such necessary works as may be required for bringing into the premises a supply of filtered water for domestic purposes and a supply of unfiltered water for the purposes specified in section 246, sub-section (2).

(2) Every such notice shall contain an undertaking on the part of the occupier—

(a) to pay, during the residue of his term of occupation, interest at the rate of one *per cent. per mensem*, calculated from the date of the completion of the works, on the cost of all works so provided by such owner, and

(b) if the premises do not abut upon some street in which there is a supply-main, to pay the cost of connecting the premises with the nearest supply-main.

Ben. Act  
111. 1899,  
ss. 251-  
253.

**251.** If any owner upon whom a notice has been served under section 250 does not, within one month from such service, cause such necessary works as aforesaid to be completed, the occupier who gave the notice may cause the works to be provided or completed, and may deduct from the rent payable by him to such owner the expenses incurred by him in respect of such works, except so much of such expenses as may have been incurred under the circumstances mentioned in clause (b) of the said section 250.

**252.** Any owner to whom any sum is payable under section 250 may recover such sum from the person liable to pay the same as if it were rent payable by such person.

**253.** Whenever it appears to the Chairman that any building is without a proper supply of water, and that such a supply of water can be furnished from a main not more than one hundred feet distant from any part of such building, the Chairman may, by written notice, require the owner to obtain such supply and to execute all such works as may be necessary for that purpose:

Provided that no action shall be taken under this section in any case in which the owner satisfies the Chairman that he is too poor to bear the cost of the said works:

Provided also that, if any building in respect of which any notice is issued under this section is occupied by a person other than the owner, the occupier shall be bound, if the Chairman so directs, to make to the owner, in respect of all works executed in pursuance of such notice, the payments prescribed by clause (a) or clauses (a) and (b), as the case may be, of section 250; and such payments may be enforced in the manner prescribed by section 252.

Ben. Act  
III. 1899,  
ss. 254-  
256.

**254. (1)** The Chairman may at his discretion supply filtered or unfiltered water for any purpose other than a domestic purpose, on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed :

Provided that only filtered water shall be so supplied for use by persons who manufacture articles for consumption by human beings, or for cow-houses where cows are kept for the purpose of supplying milk for sale.

(2) For all water supplied under sub-section (1), payment shall be made at such rate as may be prescribed by the General Committee.

(3) When any application under sub-section (1) is received, the Chairman may, subject to such charges or rates as may have been fixed by the General Committee, place, or allow to be placed, the necessary service-pipes, taps, and works (including water-meters), of such dimensions and character as may be fixed by the General Committee, and may arrange for the supply of water through such pipes, taps, works, and meters.

**255. (1)** The Corporation shall, as far as practicable, supply filtered water gratuitously for use for domestic purposes on ships for the time being lying at the jetties or in the docks of the Commissioners for the Port of Calcutta.

(2) The Chairman shall, on demand, be bound to supply every ship leaving the jetties or the docks of the Commissioners for the Port of Calcutta with a reasonable quantity of filtered water for use on the voyage, at such price, not exceeding five rupees for every thousand gallons, as the Corporation may determine.

#### *Water-connections.*

**256. (1)** For each premises connected with the filtered water-supply after the commencement of this Act there must be a separate service-pipe from the main.

Separate service-  
pipes for separate  
premises,

Ben. Act  
III. 1899,  
ss. 257-  
259-

(2) In any case in which a service-pipe from a main is at the commencement of this Act used for supplying filtered water to two or more premises, the Chairman may, by written notice, require the owner of each such premises to lay down a separate service-pipe; and the expense of so doing shall be borne by all such owners in such proportion as may be determined by the General Committee.

Separate stop-cocks and under-ground hydrants or taps for supply of unfiltered water to private premises.

**257. (1)** Separate stop-cocks must be provided for controlling the supply of unfiltered water for the purposes mentioned in clauses (i) and (ii) respectively of section 246.

(2) When unfiltered water is supplied for any of the purposes mentioned in clause (ii) of section 246, it must be so supplied as to be capable of being drawn only from hydrants or taps fixed below the surface of the ground.

**258. (1)** When the continuous system of supplying filtered water is about to be applied to any premises, or when any premises are about to be connected with the mains of the Corporation, the Chairman may, by written notice, require the owner of the premises to fix a stop-cock in some position outside the premises which is accessible at all times from the nearest street.

(2) If, when any such notice is issued in respect of any premises, such premises are already connected with the mains of the Corporation, the expense of fixing such stop-cock shall be paid out of the municipal funds.

**259. (1)** Filtered or unfiltered water supplied under this chapter to any premises shall be supplied through a ferrule, of the size prescribed in Schedule XIV.:

Size of ferrules.

Provided as follows:—

(a) The Local Government may, on the recommendation of the Corporation, substitute any other scale for the scale of ferrules prescribed in the said schedule;

Ben. Act  
 Ill. 1899,  
 s. 260.

(b) if any premises be so situated that the ferrule prescribed therefor in the said schedule or under proviso (a) to this section is too small to pass, within a period of six hours, the daily supply of water to which the occupier is entitled under section 248, the Chairman shall permit the use of a larger ferrule for such premises.

(2) Where a ferrule used at the commencement of this Act for the supply of water to any premises is larger than that prescribed for the premises in Schedule XIV: or under proviso (a) to this section, the Chairman may, at the expense of the municipal funds, and after giving one month's notice in writing to the owner of the premises, substitute for such ferrule one of the size so prescribed.

**260.** (1) The service-pipes for carrying water from the mains of the Corporation into any premises, and the pipes, taps, and works (other than ferrules) within such premises, shall be of such character, dimensions, and materials as the General Committee may fix and approve, and shall be made and constructed at the expense of the person requiring the same.

(2) The ferrules shall be of such character and material as the Corporation may fix and approve, and, except as provided in section 259, sub-section (2), shall be affixed at the expense of the occupier of the premises.

(3) The said service-pipes, and all fittings thereon for carrying water from the mains of the Corporation into any premises, and all ferrules, pipes, taps, works, and fittings inside the premises, must in all cases be executed subject to the inspection of the Chairman and to his satisfaction; and the connection of premises with the mains of the Corporation, and the laying of supply-pipes under any public street or thoroughfare, must be executed in the presence of a municipal officer authorized in that behalf, and in no other way.

Ben. Act  
III. 1899,  
ss. 261-  
263.

(4) Such service-pipes, fittings, ferrules, pipes, taps, and works, may be made by the servants and workmen of the Corporation, upon such terms as may be agreed upon between the Chairman and the person requiring the supply, or subject to such charges as may be fixed by the Chairman;

and when they are to be so made, the Chairman may require the cost to be paid or deposited before the work is executed;

and such cost shall be recoverable in the manner provided by Chapter XVIII. for the recovery of the consolidated rate.

**261.** The Chairman may enter into or on any pre-

Power to enter pre-  
mises.

mises supplied with water under this chapter in order to examine all pipes, taps, works, and fittings connected with the supply of water, and to ascertain whether there is any waste or misuse of such water.

**262.** If any pipes, taps, works, or fittings connected

Replacing or alter-  
ation of fittings for  
supplying unfiltered  
water for the flushing  
of privies or urinals.

with the supply of unfiltered water for the flushing of privies or urinals in any premises be found, on examination by the Chairman, to be defective, he may, by written notice, require the owner of the premises—

(a) to replace such fittings, or

(b) to make such alterations therein as may be specified in the notice.

**263.** When the continuous system of supplying fil-

Improvement of fit-  
tings before applying  
continuous system.

tered water is about to be applied to any premises, the Chairman may, if it is found that the pipes, taps, and fittings, or any of them, are defective, by written notice, require the owner of the premises—

(a) to replace them, or

Ben. Act  
III. 1899,  
ss. 264-  
266.

(b) to make such alterations therein as may be specified in the notice.

**264.** (1) Before a connection for the supply of water from the mains of the Corporation to any premises is sanctioned by the Chairman, the Engineer shall cause all the works, pipes, taps, and fittings within such premises to be inspected by a duly qualified officer.

(2) The cost of such inspection shall be payable in advance, at such rates as the Corporation may from time to time direct, by the person applying for the said connection.

(3) Until the Engineer has certified that the said works, pipes, taps, and fittings, have been executed and put up in a satisfactory manner, no connection with the mains of the Corporation shall be made.

**265.** Except in the case of a special agreement to the Owner to keep contrary, the owner of any premises works in repair. shall bear the expense of keeping all works connected with the supply of water thereto in substantial repair; and, if he fails to do so, the occupier may, after giving the owner three days' notice in writing, himself have the repairs executed, and deduct the expenses thereof from any rent which is due from him to the owner in respect of such premises:

Provided that nothing in this section shall affect the liabilities of parties under leases executed or made before the first day of April 1889.

**266.** No person shall unlawfully flush, draw off, divert, or take water from any water-work belonging to, or under the management or control of, the Corporation, or shall by any wrongful act damage any such water-work or any pipe or tap connected with it, or shall use any such water-work for any purpose other than the purpose for which it has been set apart.

*Regulation of Consumption of Water.*

Ben. Act  
III. 1899,  
ss. 267-  
269.

**267.** (1) The Chairman shall divide Calcutta into such blocks and block blocks as he may consider suitable in view to the gradual introduction of the continuous system of supplying filtered water, and shall cause each such block to be provided with a water-meter.

(2) Such meters shall be read at frequent intervals by a special establishment to be provided for the purpose under Chapter VI.

**268.** (1) No occupier of any premises to which water is supplied under this chapter shall negligently or otherwise suffer such water to be wasted, or shall suffer the pipes, taps, works, and fittings for the supply of water, or any of them, to remain out of repair to such an extent as to cause a waste of water.

(2) No person shall cause a waste of water by the misuse of public stand-posts, drinking-fountains, or hydrants.

**269.** (1) Whenever the Chairman has reason to believe that filtered water supplied to any premises situated in a block in which the continuous system is in force is being wasted, he may, by written notice, require the owner and occupier of the premises, within a period of four days after service of the notice, to repair and make good any defects in the pipes, taps, or fittings connected with the water-supply, so as to put a stop to such waste.

(2) If any notice issued under sub-section (1) is not complied with, and the Chairman has reason to believe that waste still continues, he shall cause to be served on the said owner and occupier a further notice informing them that if the first notice be not complied with within a further period of three days, the supply of filtered water to the said premises will be cut off.

(3) If, after the expiration of the said period of three days, the Chairman has reason to believe that waste still con-

**Ben. Act** tinues, he shall cut off the supply of filtered water to the  
**III. 1899,** said premises.  
**s. 270.**

*Explanation.*—For the purposes of this section, water shall not be deemed to be wasted if it is shown that it has been deliberately and purposely drawn for use for domestic purposes from a tap provided for the purpose.

**270.** (1) If the Chairman has reason to believe that the occupier of any premises consumes more filtered water than he is entitled to under section 248, the Chairman may provide a water-meter, and attach the same to the service pipe of the said premises.

(2) If the occupier of any premises situated in a block in which the continuous system of supplying filtered water is in force makes a written application to the Chairman to have a water-meter attached to the service-pipe of the premises, the Chairman shall, within fourteen days from the receipt of the application, provide a meter, and attach it to the said pipe.

(3) The expense of providing and attaching a meter under sub-section (1) or sub-section (2) shall be paid out of the municipal funds.

(4) When a meter is to be attached under sub-section (2) on the application of the occupier of any premises, he shall, either—

(a) before the meter is attached, deposit with the Corporation the sum required for providing and attaching the meter, or

(b) pay rent for the meter at such rate as may be fixed by the Chairman with the sanction of the Local Government.

(5) When any sum is deposited under clause (a) by an occupier, it shall be returned to him when the meter is removed by the Chairman.

**271.** When a meter has been attached to any premises, **Ben. Act**  
 all filtered water which is shown there- **III. 1899.**  
 by to have been supplied in excess of **ss. 271-**  
 the quantity to which the occupier is **276.**  
 entitled under section 248 shall be paid

**Payment for filtered**  
**water supplied in ex-**  
**cess of statutory al-**  
**lowance.**

for by him at the rate of one rupee for every three thousand gallons.

**272.** Any rent due under section 270, sub-section (4),  
 and any payment due under section

**Recovery of dues.**

271, shall be recoverable in the man-  
 ner provided by Chapter XVIII. for the recovery of the  
 consolidated rate.

**273.** Whenever water is supplied under this chapter

**Presumption as to** through a meter, it shall be presumed  
**correctness of meter.** that the quantity indicated by the me-  
 ter has been consumed until the contrary is proved.

**274.** (1) If the owner or occupier of any premises to

**Testing of meter.**

the service-pipe of which a meter is  
 attached desires to have the meter test-  
 ed, he may send a written application to the Chairman, and  
 such application must be accompanied by a fee of five  
 rupees.

(2) Upon receipt of any such application and fee,  
 the Chairman shall forthwith cause such meter to be tested,  
 at a time and place to be specified in a notice to be served  
 upon such owner or occupier.

(3) If such meter is found, upon being so tested, to be  
 incorrect by more than two *per cent.*, the said fee shall  
 be returned to the person who sent it.

**275.** When any meter attached to the service pipe of

**Replacing of meter.**

any premises is out of order or under  
 repair, the Chairman shall forthwith  
 replace it by another meter.

**Prohibition of fraud**  
**in respect of meter.**

**276.** (1) No person shall fraudu-  
 lently—

Ben. Act  
III. 1899,  
ss. 277,  
278.

(a) alter the index to any meter, or prevent any meter from duly registering the quantity of water supplied, or

(b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(2) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction, or use, shall be evidence that the consumer has fraudulently effected the same.

**277.** No person shall wilfully or negligently injure or suffer to be injured any meter belonging to the Corporation, or any of the fittings of any such meter.

*Supply of Water for Use beyond Calcutta.*

**278** (1) The Corporation may at any time, on receiving an application from the municipality or cantonment concerned, direct, by resolution, that such quantity of filtered water *per diem* as may be specified in the resolution shall be delivered into reservoirs or pipes placed in—

(a) any of the following municipalities or cantonments, namely :—

*Municipalities :*

Baranagore,  
Cossipore-Chitpur,  
Garden Reach,  
Garulia,  
Kamarhati,  
Maniktola,

North Barrackpore,  
North Dum-Dum,  
South Barrackpore,  
South Dum-Dum,  
South Suburban,  
Titagar ;

*Cantonments :*

Barrackpore,

| Dum-Dum ; or

- (b) any municipality which is hereafter formed by sub-dividing any municipality mentioned in clause (a), or by uniting into one municipality any of the municipalities mentioned in that clause ;

Ben. Act  
III. 1899.  
ss. 279,  
280.

and that for all water so delivered payment shall be made at such rate, not being less than the actual cost to the Corporation, as may be prescribed in such resolution.

(2) An appeal shall lie to the Local Government from any refusal by the Corporation to pass any such resolution, or from any direction given by the Corporation in any such resolution.

(3) Before deciding any such appeal, the Local Government shall consider any representation made by the Corporation with reference thereto.

(4) No order made on any such appeal shall direct the delivery of water at a lower rate of payment than the actual cost to the Corporation.

(5) Every order made by the Local Government on any such appeal shall be final.

**279.** (1) Subject to any rules from time to time made by the Corporation in this behalf, the Chairman may, in his discretion, allow any person not residing within Calcutta to take or be supplied with water on such terms as the General Committee may from time to time prescribe.

Supply of water to persons residing out of Calcutta or for use outside Calcutta.

(2) No person shall, without the written permission of the Chairman, take or cause to be taken for use outside Calcutta water supplied under this chapter :

Provided that this sub-section shall not apply to water taken by travellers for use on a journey.

**280.** (1) If the Local Government determines that any area forming part of the environs of Calcutta shall be included in the water-supply provided for by this chapter

Power to extend this chapter to environs of Calcutta.

Ben. Act  
III. 1899,  
ss. 281,  
282.

ter, it may, by notification in the Calcutta Gazette, extend this chapter or any portion thereof, together with any other portion of this Act which relates thereto, to such area.

(2) Any such notification must define the boundaries of such area, and shall take effect one month after the date of its publication in the Calcutta Gazette.

(3) When any portion of this Act has been so extended to any area, all expenses and compensation which, under this Act, may be ascertained and determined by a Court of Small Causes, may be ascertained and determined by any Court of Small Causes having jurisdiction within such area, and any fines imposed for breach of any provisions of this chapter may be enforced by a Magistrate having jurisdiction within such area in the manner prescribed by the Code of Criminal Procedure, 1898,\* for the levy of fines.

#### *Miscellaneous Provisions.*

**281.** The Corporation shall have the same powers and be subject to the same restrictions for carrying water-mains within or without Calcutta as they have and are subject to for carrying drains within or without Calcutta.

**282.** (1) If there is any difference between the owner and the occupier of any premises respecting the cost or the sufficiency of the water-supply thereof, either party may refer such difference to the General Committee, and the written award of the Engineer, or of any officer authorized by the General Committee in that behalf, shall be binding on the owner and the occupier.

(2) There shall be payable to the Corporation by the person making any such reference a fee at the rate of two rupees for every one hundred rupees of the monthly rent of the said premises :

Provided that such fee shall in no case exceed ten rupees.

Ben. Act  
III. 1899,  
s. 283.

**283. (1)** The Chairman may cut off the connection between any water-works of the Corporation and any premises to which water is supplied from such works, or may turn off such supply, in any of the following cases, namely:—

- (a) if the premises are unoccupied;
- (b) if (in the case of a bustee) the owner or (in any other case) the occupier of the premises fails, for fifteen days after the due presentation of a bill or the due service of a notice, to pay any sum due to the Corporation from him or in respect of such premises;
- (c) if, after receipt of a written notice from the Chairman requiring him to refrain from so doing, the owner or occupier of the premises continues to use the water, or to permit the same to be used, in contravention of this Act or any rule or bye-law made hereunder;
- (d) if the occupier of the premises contravenes section 245 or sub-section (2) of section 279;
- (e) if the occupier refuses to admit the Chairman into the premises for the purpose of making any examination or inquiry authorised by section 261, or prevents the Chairman from making such examination or inquiry;
- (f) if the owner of the premises fails to comply with any notice issued under section 263;
- (g) if the owner or occupier of the premises wilfully or negligently injures or damages his meter or any pipe or tap conveying water from any works of the Corporation; or
- (h) if any pipes, taps, works, or fittings connected with the supply of water to the premises, be found, on examination by the Chairman, to be out of repair to such an extent as to cause a waste of water:

Ben. Act  
III. 1899,  
s. 283.

Provided as follows:—

- (i) water supplied for flushing privies or urinals shall not be cut off or turned off;
  - (ii) water shall not be cut off or turned off in any case referred to in clause (b) or clause (h) unless written notice of not less than twenty-four hours has been given to the occupier of the premises;
  - (iii) if, when the Chairman demands payment of any expenses under section 602, his right to demand the same, or the amount of the demand, is disputed, the power to cut off or turn off water to secure payment of such expenses shall not be exercised unless and until the demand or part thereof is upheld on a reference made to a Court under section 616.
- (2) The expense of cutting off the connection or of turning off the water in any case referred to in sub-section (1) shall be paid, in the case of a bustee, by the owner of the premises, and in any other case by the owner or occupier of the premises.
- (3) When all moneys, for the non-payment of which water has been turned off or cut off from any premises under clause (b) of sub-section (1), have been duly paid to the Corporation, together with the expense of cutting off or turning off the water, the Chairman shall cause water to be supplied to such premises as before.
- (4) If any money, for the non-payment of which water has been cut off or turned off from any premises under clause (b) of sub-section (1), was due from the owner of the premises and is paid by the occupier, the occupier may deduct the amount thereof from the rent of the premises, together with the expenses paid by him under sub-section (2).

Ben. Act  
III. 1899,  
ss. 284-  
286.

(5) No action taken under or in pursuance of this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

**284.** Whenever a supply of filtered and unfiltered

Filling up of wells  
when water supplied.

water has been provided in any street, the Chairman may, by written notice, require the owner of any well, situated in premises which are supplied from the mains, to fill it up with suitable material.

**285.** When a plan for laying pipes or constructing

Laying of pipes or  
construction of aqueducts beyond Calcutta  
for bringing water into Calcutta.

aqueducts for bringing water into Calcutta from any place beyond Calcutta has been approved by the Local Government, the municipal authorities may, in the execution and for the purposes of the work, exercise, throughout the line of country through which such pipes or aqueducts are to run, all the powers which they might exercise under this Act or any rule or bye-law made hereunder if the said pipes or aqueducts were to run in Calcutta ;

and the Magistrate of any district through which the said pipes or aqueducts are to run may exercise in respect of the work the same powers and jurisdiction as a Magistrate may, under this Act, exercise in respect of any work executed by a municipal authority in Calcutta.

CHAPTER XXI.—DRAINS, PRIVIES, AND OTHER  
RECEPTACLES FOR FILTH.

*Proprietary Rights of the Corporation in respect of Drains.*

**286.** All public drains, and all drains in, alongside,

Public drains, and  
drains in, alongside,  
or under public streets,  
to vest in Corporation.

or under any public street, whether made at the charge of Municipal Funds or otherwise, and all works, materials, and things appertaining thereto, shall vest in the Corporation.

Ben. Act  
III. 1899,  
ss. 287-  
289.

**287.** All drains and ventilation-shafts, pipes, and other appliances and fittings connected with drainage-works constructed, erected, or set up at the charge of the municipal funds upon premises not belonging to the Corporation, whether before or after the commencement of this Act, and whether for the use of the owner or occupier of such premises or not, shall, unless the Corporation has otherwise determined, or do at any time otherwise determine, vest and be deemed to have always vested in the Corporation.

*Duties of the Corporation in respect of Maintenance and Construction of Drains.*

**288.** The Corporation shall keep all municipal drains in repair, and shall cause to be made such drains as may be necessary for effectually draining Calcutta.

**289.** (1) The Corporation shall provide a safe and sufficient outfall, within or without Calcutta, for the proper discharge of the storm water and sewage of Calcutta in such manner as not to cause any nuisance, whether by flooding any part of Calcutta or of the country surrounding the outfall, or in any other way.

(2) The plans of the outfall and the method of disposing of sewage shall be subject to the sanction of the Local Government, which may, from time to time, direct such alterations to be made as it may consider necessary.

(3) If the outfall deteriorates by the decay of existing river channels or otherwise, the Local Government may require such order to be taken, and such additions or alterations to be made to or in the outfall works, at the charge of municipal funds, as it may consider necessary to ensure the proper discharge of storm water and sewage in such manner as not to cause any nuisance as aforesaid.

*Municipal Drains.*

Ben. Act  
III. 1899,  
ss. 290,  
291.

**290.** (1) With the consent of the General Committee,

Power to carry municipal drains through street, &c., and power to enter on private land for construction or alteration of municipal drain.

the Chairman may carry any municipal drain through, across, or under any street or any place laid out as, or intended for, a street, and, after giving reasonable notice in writing to the owner or occupier, into, through, or under any land whatsoever within Calcutta or, for the purpose of outfall or distribution of sewage, without Calcutta.

(2) With the like consent, the Chairman may construct any new drain in the place of an existing drain in any land wherein any municipal drain has been already lawfully constructed, or may repair or alter any municipal drain so constructed, and may, for those purposes, enter upon such land.

(3) In the exercise of any power conferred by this section, as little damage as may be shall be done, and the Chairman shall, with the sanction of the General Committee, pay compensation to any person who sustains damage by the exercise of such power.

Power to improve or discontinue municipal drains.

**291.** The Chairman may—

(1) enlarge, arch over, or otherwise improve any municipal drain, and,

(2) with the consent of the General Committee, discontinue, close up, or destroy any municipal drain which has, in his opinion, become useless or unnecessary :

Provided as follows :—

(a) the discontinuance, closing up, or destruction of any municipal drain shall be so done as to create the least practicable nuisance or inconvenience to any person ;

Ben. Act  
III. 1899,  
ss. 292,  
293.

(b) if, in the exercise of any of the powers conferred by this section, it is proposed to demolish any house-drain, a written notice shall be served upon the owner of such drain ; \*

(c) if, by reason of anything done under this section, any person is deprived of the lawful use of any drain, the Chairman shall, as soon as may be, provide for his use some other drain as effectual as the one which has been discontinued, closed up, or destroyed.\*

**292. (1)**† Without the written permission of the General Committee, no railway or private street shall be constructed, and, without the written permission of the Chairman, no wall or other structure shall be newly erected, over any municipal drain.

Railways, streets,  
&c., not to be con-  
structed over muni-  
cipal drain without per-  
mission.

(2) If any railway or private street be constructed, or if any wall or other structure be erected, without the permission required by sub-section (1), the Chairman may, with the approval of the General Committee, remove or otherwise deal with the same as he may think fit, and the expenses thereby incurred shall be paid by the person offending.

**298. (1)** Any local authority without Calcutta may cause any drain under its control to communicate with any municipal drain, on such terms and conditions as may be agreed on between such local authority and the General Committee and sanctioned by the Corporation.

Communication of  
drain under control of  
local authority be-  
yond Calcutta with  
municipal drain.

(2) If in any case terms and conditions cannot be agreed upon or are not sanctioned under sub-section (1),

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\* An appeal lies to the General Committee from any notice issued under proviso (b), or other action taken or proposed to be taken by the Chairman under proviso (c).—See s. 327, *infra*.

† An appeal lies to the General Committee from any refusal by the Chairman to grant a written permission under s. 292 (1).—See s. 327, *infra*.

the said local authority shall refer the matter to the Local Government, whose decision shall be final.

Ben. Act  
III. 1899,  
ss. 294-  
296.

**294.** When a plan for making drains to communi-

Communication of municipal drains with drains, lakes, &c., beyond Calcutta.

cate with, or empty themselves into, any public drain, lake, stream, canal, or watercourse beyond Calcutta, has been approved by the Local Govern-

ment, the municipal authorities may, in the execution and for the purposes of the work, exercise, throughout the line of country through which the said drains are to run, all the powers which they might exercise under this Act if the said drains were to run entirely in Calcutta;

and the Magistrate of any district through which the said drains are to run may exercise, in respect of the work, the same powers and jurisdiction as a Magistrate may, under this Act, exercise in respect of any work executed by a municipal authority entirely in Calcutta.

*Drainage of Premises.*

**295 \*** The owner or occupier of any premises shall

Right of owner or occupier of premises to empty his house-drain into municipal drain.

be entitled to cause his house-drain to empty into a municipal drain, provided that he first obtains the written permission of the Chairman, and that he complies with such con-

ditions as the Chairman prescribes as to the mode in which, and the superintendence under which, communications between house-drains and municipal drains are to be made.

Connections with municipal drains not to be made except in conformity with section 295.

**296.** (1) No person shall, without complying with the provisions of section 295, make, or cause to be made, any connection of a house-drain with a municipal drain.

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\* An appeal lies to the General Committee from any action taken or proposed to be taken by the Chairman, or from any refusal by the Chairman to grant a written permission, under s. 295.—See s. 327, *infra*.

Ben. Act  
III. 1899,  
ss. 297,  
298.

(2) The Chairman may, with the approval of the General Committee, close, demolish, alter, or re-make any such connection made in contravention of sub-section (1); and the expenses incurred by the Chairman in so doing shall be paid by the owner or occupier of the premises for the benefit of which the connection was made, or by the person offending.

**297.\*** Where a house-drain belonging to one or more persons has been laid in any private street or passage which is common to more than one building, and the Chairman considers it desirable that any other premises should be drained into such drain, he may, by written notice, require the owner of such premises to connect his house-drain with such first-mentioned drain; and the owners of such first-mentioned drain shall thereupon be bound to permit such connection to be made:

Provided that no such connection shall be made except upon such terms as may be prescribed by the Corporation, and until any payment which may be directed by the Corporation has been duly made.

**298.** (1) If it appears to the Chairman that any group or block of buildings may be drained more economically or advantageously in combination than separately, and a sewer of sufficient size already exists, or is about to be constructed, within one hundred feet of any part of such group or block of buildings, the Chairman may, with the approval of the General Committee, cause such group or block of buildings to be drained by a combined operation;

and the expenses thereby incurred shall be paid by the owners of such buildings, or, in the case of bustee land, by owners of the land, in such proportions as the General Committee may think fit.

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\* An appeal lies to the General Committee from any notice issued or other action taken or proposed to be taken by the Chairman under s. 297.—See s. 327, *infra*.

Ben. Act  
III. 1899,  
ss. 299,  
300.]

(2)\* Not less than fifteen days before any work under this section is commenced, the Chairman shall give written notice, to the owners of all the land or buildings to be drained, of the nature of the proposed work, and an estimate of the expenses about to be incurred in respect thereof and the proportion payable by each owner.

**299.** Where any premises are, in the opinion of the Chairman, without sufficient means of effectual drainage, and a municipal drain or some place lawfully set apart for the discharge of drainage is situated at a distance not exceeding one hundred feet from some part of the said premises, the Chairman may, with the approval of the General Committee, by written notice, require the owner or occupier of the said premises—

- (a) to make a house-drain emptying into such municipal drain or place aforesaid ;
- (b) to provide and set up all such appliances and fittings as may appear to the Chairman necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises, and of effectually flushing such house-drain and every fixture connected therewith ; or
- (c) to remove any existing house-drain or other appliance or thing used or intended to be used for drainage, which is injurious to health.

**300.** Where, in any case not provided for in section 299, any premises are, in the opinion of the Chairman, without sufficient means of effectual drainage, he may with the approval of the General Committee, by written notice require the owner or occupier of the said premises to make a house-drain communicating with the nearest municipal drain :

\* An appeal lies to the General Committee for any notice given by the Chairman under s. 298 (2).—See s. 327, *infra*.

Ben. Act  
III. 1899,  
s. 301.

Provided as follows :—

- (a) the cost of constructing the portion of the house-drain so made, which is situate more than one hundred feet from the said premises, shall be paid out of the municipal funds ;
- (b) if, in the opinion of the Chairman, there is no municipal drain within a reasonable distance of the said premises, he may, with the approval of the General Committee, by written notice, require the owner of the premises to construct—
  - (i) a house-drain or house-drains, and
  - (ii) a closed cesspool of such material, size, and description, and in such position, as he may prescribe.

**301.** (1) Where a house-drain connecting any premises with a municipal drain is sufficient for the effectual drainage of the said premises, and is otherwise unobjectionable, but is not, in the opinion of the Chairman, adapted to the general drainage system of Calcutta, the Chairman, with the approval of the General Committee,—

Power of Chairman  
to close or limit the  
use of house-drain.

- (a) may, subject to the provisions of sub-section (2), by written notice direct that such house-drain be closed, discontinued, or destroyed, and may cause any work necessary for that purpose to be done ; or
- (b) may, by written notice, direct that such house-drain shall, from such date as he prescribes in this behalf, be used for sewage, offensive matter, and polluted water only, or for rain-water and unpolluted sub-soil water only, and require the owner or occupier of the premises to make a new and entirely distinct house-drain for rain-water and unpolluted sub-soil water, or for sewage, offensive matter, and polluted water, as the case may be.

Ben. Act  
III. 1899,  
ss. 302-  
304.

(2)\* No house-drain may be closed, discontinued, or destroyed by the Chairman under clause (a), except on condition of his providing another house-drain as effectual for the drainage of the premises and communicating with any municipal drain which the Chairman thinks fit; and the expenses of the construction of any drain so provided by the Chairman, and of any work done under clause (a), shall be paid out of the municipal funds.

(3) Any requisition made by the Chairman under clause (b) may embrace any detail specified in clause (b) of section 299.

**302.\*** Whenever it is provided in this chapter that steps shall or may be taken for the effectual drainage of any premises, the Chairman may, by written notice, require that there shall be one house-drain for sewage, offensive matter, and polluted water, and another and entirely distinct house-drain for rain-water or unpolluted sub-soil water, or for both rain-water and unpolluted sub-soil water, each emptying into separate municipal drains or other suitable places.

**303.†** Except with the written permission of the Chairman, and in conformity with such conditions as may be prescribed by the General Committee, either generally or specially, in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

**304.** No person shall construct a cesspool beneath any part of a building which is used or intended to be used for human habitation, or in which any person is, or is intended to be, employed in any manufacture, trade, or business.

\* Under s. 301 (2) and s. 302, an appeal lies to the General Committee.—See s. 327, *infra*.

† Under s. 303, an appeal lies to the General Committee from any refusal by the Chairman to grant a written permission.—See s. 327, *infra*.

Ben. Act  
III. 1899,  
ss. 305-  
307.

**305.** (1) Every house-drain which is situated in, along-side, or under any street, and which has been or shall be constructed, whether at the charge of the municipal funds or not, for the sole use and benefit of, or which is continued for the sole use and benefit of, any premises adjoining or near to such street, shall be maintained and, from time to time, repaired, flushed, cleansed, and emptied by the owner or occupier of the said premises.\*

(2) The Chairman may,—

(a)\* by written notice, require the owner or occupier of the said premises to repair, flush, cleanse, or empty any such house-drain, or,

(b) with the approval of the General Committee, by written notice, require such owner or occupier to take such other order with such house-drain as the Chairman may deem necessary.

Paving, &c., of courtyard, &c., between buildings.

**306.** (1) For the purpose of efficiently draining any building or land, the Chairman may, by written notice,—

(a) require any courtyard, alley, or passage between two or more buildings to be paved with such materials and in such manner as may be approved of by him, and

(b) require such paving to be kept in proper repair.

(2) The Chairman may also, by written notice, require the level of any such courtyard, alley, or passage to be raised, if he considers it necessary that that should be done in order to secure efficient drainage.

**307.** (1) The General Committee may prescribe such surface-drains for the drainage of huts as the circumstances of the locality and the position of the nearest sewer may render practicable.

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\* Under s. 305 (2), cl. (a), and s. 306, an appeal lies to the General Committee.—See s. 327, *infra*.

Ben. Act  
III. 1899,  
ss. 308-  
310.

(2) If the General Committee consider that a new surface-drain should be constructed for the benefit of occupants of any hut, they may, by written notice, require the owner of the land on which the hut stands to construct such drain.

(3) When any drain has been constructed by the Chairman in default of compliance with a notice issued under sub-section (2), and is subsequently repaired at the expense of the municipal funds, the owner of the hut aforesaid shall be bound to pay the cost of such repair.

**308.** Drains must be constructed, laid, maintained, and regulated in accordance with the Rules as to drains. rules contained in Schedule XV.

### *Privies and Urinals.*

**309.** The General Committee shall provide and maintain, in proper and convenient situations, privies and urinals for the use of the public, and shall cause all privies and urinals so provided to be constructed and kept so as not to be a nuisance or injurious to health.

Provision and maintenance of public privies and urinals by General Committee.

**310.** (1) The General Committee may grant licenses, for any period not exceeding one year, for the provision and maintenance of privies and urinals for the use of the public, and may charge for such licenses such fees as may be authorized by the Corporation, and may at any time, if they think fit, on giving one month's notice, cancel any license so granted.

Licensing of public privies and urinals.

(2) All fees charged for licenses granted under sub-section (1) shall be recoverable from the licensees in the manner provided by this Act for the recovery of the consolidated rate.

(3) No person shall keep a privy or urinal for the use of the public without obtaining a license therefor under sub-section (1), or after such license has been cancelled; and no licensee shall suffer a licensed public privy or urinal to be in a filthy or noxious state.

Ben. Act  
III. 1899,  
ss. 311-  
313.

**311.** Every building erected or re-erected after the commencement of this Act must be provided with a sufficient privy or a sufficient privy and urinal :

Provided as follows:—

(a)\* the Chairman may, by written order, in any case declare that no privy or urinal need be provided ;

(b) the General Committee may allow a common privy or common privies for the use of the occupants of any two or more adjacent huts.

**312.†** If it appears to the Chairman that any building, land, or bustee, is without a privy or urinal, or that the existing privy or urinal available for use by the occupiers of any building, land, or bustee, is insufficient, inefficient, or, for sanitary reasons, objectionable, he shall, by written notice, require the owner of the building, land, or bustee to provide a privy or urinal, or additional privies or urinals, to the satisfaction of the Chairman :

Direction to require provision of privy or urinal for building, land, or bustee.

Provided that, where a privy or urinal is, or is intended to be, used in common by the occupiers of two or more premises, and the Chairman considers that the same is sufficient for all the occupiers of both or all such premises, he need not require a separate privy or urinal to be provided on or for each of such premises.

**313.†** If it appears to the Chairman that any premises are, or are intended to be, used as a market, railway-station, dock, wharf, or other place of public resort, or as a place for the employment of persons

Power to require provision of privies and urinals for premises used by large numbers of people.

\* From any refusal by the Chairman to make a declaration under proviso (a) to s. 311, an appeal lies to the General Committee.—See s. 327, *infra*.

† Under ss. 312 and 313 an appeal lies to the General Committee.—See s. 327, *infra*.

Ben. Act  
III. 1899;  
ss. 314-  
316.

exceeding twenty in number in any manufacture, trade, or business, or as workmen or labourers, he may, by written notice, require the owner or occupier of such premises to provide a sufficient number of privies and urinals for the separate use of persons of each sex.

Rules for constructions, &c., of privies and urinals.

**314.** Privies and urinals, and appurtenances thereof, must be constructed, maintained, and regulated in accordance with—

(a) the rules contained in Schedule XVI., and

(b) requisitions made under such rules.

**315.** When the occupier of any building or land pays the expenses of making any structural alterations in a privy or urinal in pursuance of any notice issued under this Chapter or Schedule XVI., he may deduct the amount thereof from any rent due or thereafter accruing due to the owner of the building or land.

**316.** (1) If, within three years after any privy has been provided or altered with the sanction or on the requisition of any municipal authority, a requisition is made by any municipal authority for the re-building or alteration of such privy, the expenses of such re-building or alteration shall be paid out of the municipal funds.

(2) When any notice has been issued under Schedule XVI. in respect of any privy, urinal, or group of privies or urinals erected before the commencement of this Act, and the General Committee are satisfied that the owner of the building or land, in or on which any such privy or urinal is situated, is, from poverty, unable to pay the expenses or the entire expenses of carrying out the work required by the notice, the General Committee may direct that such expenses, or such portion thereof as they think fit, be paid out of the municipal funds.

Ben. A& III. 1899, ss. 317-319. *Inspection of Drains, House-gullies, Privies, and Urinals.*

**317.** All house-drains, ventilation-shafts, and pipes, cesspools, house-gullies, privies, and urinals which do not belong to the Corporation, or which have been constructed, erected, or set up at the charge of the municipal funds on premises not belonging to the Corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Chairman.

**318.** For the purpose of such inspection and examination, the Chairman may cause the ground, &c., for purposes of such inspection and examination. Power to open ground, &c., for purposes of such inspection and examination. tion, the Chairman may cause the ground or any portion of any house-drain or other work exterior to a building, or, with the approval of the General Committee, any portion of a building which he may think fit, to be opened, broken up, or removed :

Provided that, in the prosecution of any such inspection and examination, as little damage as may be shall be done.

**319.** (1) If, upon any such inspection and examination as aforesaid, it is found that the house-drain, ventilation-shaft, or pipe, cesspool, house-gully, privy, or urinal examined is in proper order and condition, and that none of the provisions of this Chapter or Schedule XV. or Schedule XVI. have been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or the portion of any building, house-drain, or other work, if any, opened, broken up, or removed for the purpose of such inspection and examination, shall be filled in, re-instated, and made good by the Chairman.

(2) But, if it is found that any house-drain, ventilation-shaft, or pipe, cesspool, house-gully, privy, or urinal so examined, is not in good order or condition, or has been repaired, changed, altered, encroached upon, or (except when the same has been constructed by or under the order of a municipal authority) constructed in contravention of any

of the provisions of this Chapter or Schedule XV. or Schedule XVI., or of any enactment at the time in force,

Ben. Act  
III. 1899,  
s 320.

the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall, at his own cost, fill in, re-instate, and make good the ground or the portion of any building, house-drain, or other work opened, broken up, or removed for the purpose of such inspection and examination :

Provided that the amount recoverable as expenses of such inspection and examination shall not in any case exceed ten rupees.

**320.\*** (1) When the result of the inspection and examination is as described in section 319, sub-section (2), the Chairman may, by written notice require the owner of the premises in which the house-drain, ventilation-shaft, or pipe, cesspool, house-gully, privy, or urinal is situate—

(a) to close or remove the same or any encroachment thereupon ; or

(b) to renew, repair, cover, re-cover, trap, ventilate, pave, and pitch, flush, cleanse, or take such other order with the same as the Chairman may think fit to direct, and to fill in, re-instate, and make good the ground, or the portion of any building, house-drain, or other work opened, broken up, or removed for the purpose of the inspection and examination aforesaid.

(2) In any such case as aforesaid, the Chairman may, forthwith and without notice, stop up or demolish any house-drain by which sewage, offensive matter, or polluted water is carried through, from, into, or upon any premises in contravention of any of the provisions of this Chapter or Schedule XV. or Schedule XVI. ; and all expenses incurred by the Chairman in so doing shall be paid by the owner of the premises.

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\* Under s. 320 an appeal lies to the General Committee.—  
See s. 327, *infra*.

Ben. Act  
III. 1899,  
ss. 321-  
324.

*General Powers and Duties of the Chairman.*

**321.** For the purpose of ventilating any drain or cesspool, whether vested in the Corporation or not, the Chairman, with the sanction of the General Committee, may erect upon any premises, or affix to the outside of any building, or to any tree, any such shaft or pipe as may appear to him to be necessary.

**322.\*** (1) When any underground drain is being laid, the Chairman may cause the work to be supervised, and from time to time direct the making of any reasonable alteration or addition therein or thereto, or the abandonment of any part thereof, if such alteration, addition, or abandonment appears to him to be necessary for ensuring the complete and satisfactory execution of the work.

(2) Every such direction shall, when given to any person other than a municipal officer or servant, be given by written notice.

**323.** When a notice has been issued under this Chapter or Schedule XV., requiring any person to construct or alter a drain, the Chairman may himself cause to be constructed or altered so much of the drain as is to run or runs through or under any municipal drain, public aqueduct, or public street; and the expenses thereby incurred shall be paid by the owner of the drain.

**324.** (1) In executing any drainage-works under this chapter, the Chairman, with the approval of the General Committee, shall provide and make, out of the municipal funds, a sufficient number of convenient ways, watercourses, and drains in substitution for any that may be interrupted, injured, or rendered useless by reason of the

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\* Under s. 322 an appeal lies to the General Committee.—See s. 327, *infra*.

Ben. Act  
III. 1899.  
ss. 325,  
326.

execution of such works; and, if any difference arises between the Chairman and the persons affected, the same shall be settled by the Court of Small Causes having jurisdiction in the place where such works are executed on application to be made to it for this purpose.

(2) The decision of the Court of Small Causes shall, subject to the provisions of section 6 of the Presidency Small Cause Courts Act, 1882,\* or section 25 of the Provincial Small Cause Courts Act, 1887,† as the case may be, be final.

*Filth Receptacles near Tank or Reservoir.*

**325.** (1) No person shall construct any house-drain, cesspool, service-privy, urinal, or other receptacle for sewage or offensive matter within fifty feet of any tank or watercourse, or any reservoir for the storage of water, unless he first satisfies the Engineer that he will take such order as will prevent any risk of sewage or offensive matter passing by percolation or otherwise into such tank, watercourse, or reservoir.

(2) The General Committee may at any time, by written notice, require any person, upon whose land there is situated, within fifty feet of any tank or watercourse or any such reservoir, any receptacle mentioned or referred to in sub-section (1), to remove such receptacle.

*General Prohibitions.*

Prohibition of certain acts.

**326.** No person shall,—

- (a) in contravention of any of the provisions of this Chapter or Schedule XV. or Schedule XVI., or of any notice issued or direction given thereunder, or without the written permission of the Chairman, in any way alter the

\* Act XV. of 1882.

† Act IX. of 1887.

‡ An appeal from a refusal by the Chairman to grant a written permission under s. 326 lies to the General Committee, whose decision on such appeal shall be final.—See s. 327, *infra*.

Ben. Act  
III. 1899,  
s. 326.

fixing, disposition, or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy, or change, any drain, ventilation-shaft, or pipe, cesspool, privy, or urinal, or any trap, covering, or other fitting or appliance connected therewith;

- (b) without the written permission of the Chairman, renew, re-build, or unstop any drain, ventilation-shaft, or pipe, cesspool, privy, or urinal, or any fitting or appliance, which has been, or has been ordered to be, discontinued, demolished, or stopped up under any of the provisions of this chapter;
- (c) without the written permission of the Chairman, make any encroachment upon, or in any way injure, or cause or permit to be injured, any drain, cesspool, house-gully, privy, or urinal;
- (d) drop, pass, or place, or cause or permit to be dropped, passed, or placed, into or in any drain, any brick, stone, earth, or ashes, or any substance or matter by which, or by reason of the amount of which, such drain is likely to be obstructed;
- (e) pass, or permit or cause to be passed, into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain was not provided; or
- (f) cause or suffer to be discharged into any drain from any factory, bakehouse, distillery, workshop, or workplace, or from any building or place in which steam, water, or mechanical power is employed, any hot water, steam, or fumes, or any liquid which would prejudicially affect the drain, or the disposal by sale

or otherwise of the sewage conveyed along the drain, or which would, from its temperature or otherwise, be likely to create a nuisance.\*

Ben. Act  
III. 1899,  
ss. 327,  
328.

### *Appeal.*

Appeal to the General Committee.

**327.** (1) An appeal shall lie to the General Committee from—

(a) any notice issued or other action taken, or proposed to be taken, by the Chairman—

(i) under section 291, proviso (b) or proviso (c), section 295, section 297, section 298, sub-section (2), section 301, sub-section (2), section 302, section 305, clause (a), section 306, section 312, section 313, section 320, or section 322, or

(ii) under any bye-law made under section 559, clause (9), clause (10), clause (11), or clause (12), or

(iii) under rule 2 or clause (a) of rule 6 in Schedule XVI., or

(b) any refusal by the Chairman to make a declaration under proviso (a) to section 311, or to grant a written permission under section 292, sub-section (1), section 295, section 303, or section 326.

(2) The decision of the General Committee on any such appeal shall be final.

### *General Powers of the General Committee.*

General powers of the General Committee in respect of house-drains, cess-pools, privies, and urinals.

**328.** (1) Subject to the foregoing provisions of this chapter, and to the provisions of Schedule XV. and Schedule XVI.,—

\* Under s. 326 an appeal lies to the General Committee from any refusal by the Chairman to grant a written permission.—See s. 327, *infra*.

Ben. Act  
III. 1899,  
s. 329.

- (a) all house-drains, as well within as without the building or land to which they belong, all cesspools, and all privies and urinals, shall be under the survey and control of the General Committee as regards their site, construction, materials, and dimensions, and the arrangements for flushing the same, and
  - (b) the General Committee may, by written notice, require that any house-drain, cesspool, privy, or urinal be altered, paved, repaired, trapped, ventilated, or kept in such a state of repair as to admit of its being sufficiently cleaned, or be supplied with water, or be connected with a sewer, or be stopped up or demolished.
- (2) Every such notice shall be addressed,—
- (i) if the building or land to which the house-drain, cesspool, privy, or urinal belongs, or for the use of the occupants of which the same was constructed or is continued, is situate in a bustee—to the owner of the land, and,
  - (ii) in other cases—to the occupier of the building or land.
- (3) The expense of executing any work in pursuance of any such notice shall be paid by the person to whom the notice was addressed.

#### CHAPTER XXII.—LICENSED PLUMBERS.

**329.** (1) The Chairman shall, within two months from the publication of bye-laws made under section 559, clauses (g) to (12), and may thereafter, from time to time, grant to any persons he thinks fit licenses to act as plumbers for the purposes of Chapter XX. or Chapter XXI.

(2) Each such license shall be for a renewable period of three years.

Ben. Act  
III. 1899,  
ss. 330,  
331.

(g) If the Chairman refuses any application for a license under this section, he shall, at the request of the applicant, furnish him with his reasons for such refusal in writing under his signature without charge.

**330.** The Chairman may make regulations for the Regulations for guidance of licensed plumbers, and guidance of plumbers. a copy of all such regulations for the time being in force shall be written on the back of every license granted under section 329.

**331.** A plumber holding a li-  
Powers and duties  
of plumber licensed  
for drainage works. cense for the purposes of Chapter  
XXI.—

- (a) may prepare for the approval of the Engineer plans and estimates for the drainage of premises ;
- (b) with the sanction of the Engineer, may carry out drainage works in accordance with this Act and the rules, bye-laws, and regulations made hereunder ;
- (c) shall furnish the Engineer with plans of all drainage works carried out under clause (b) ;
- (d) may carry out any necessary repairs to municipal drainage works ;
- (e) when the owner or occupier of any premises has failed to comply with a notice requiring him to provide for the effectual drainage of such premises, may, if so directed by an order signed by the Chairman, carry out such works as may be necessary for the efficient drainage of the said premises ; and,
- (f) when any works have been executed under clause (e), shall furnish the Engineer with plans of the same, and with a statement of the cost of such works.

Gen. Act  
III. 1899,  
ss. 332,  
333.

Prohibition of work  
by other than licensed  
plumber.

**332.** (1) No person other than  
a licensed plumber—

(a) shall execute any work in connection with the laying on of water from any mains of the Corporation to any building or land, or in connection with the extension of such mains or the supply of additional fittings, after water has been so laid on, or

(b) shall make any underground drain in connection with the public sewers.

(2) No owner or occupier of a building or land shall cause or allow any work referred to in clause (a) of sub-section (1) to be executed by any person other than a licensed plumber.

(3) If any owner or occupier of a building or land contravenes sub-section (2), the Chairman may, whether a prosecution be instituted or not, cut off the connection until the said work has been re-executed to his satisfaction.

**333.** (1) The General Committee may, from time to time, prescribe the charges to be paid to licensed plumbers for any work done by them under, or for any of the purposes of, Chapter XX.

(2) A licensed plumber may, for any work done by him under or for any of the purposes of Chapter XX., receive remuneration as follows, namely,—

(a) for carrying out drainage works under clause (b) of section 331, such sum as may be prescribed in a scale of charges sanctioned by the General Committee;

(b) in other cases, such sum as may be prescribed in a schedule of rates prepared by the General Committee.

(3) No licensed plumber shall, for any work referred to in sub-section (1) or sub-section (2), demand or receive

more than the charge prescribed therefor under such sub-section.

Ben. Act  
III. 1899,  
ss. 334-  
336.

Control over licensed plumbers and their work and charges.

**334.** The Chairman shall provide for—

- (a) the exercise of an adequate control over all licensed plumbers ;
- (b) the inspection of all work carried out by them ; and
- (c) the hearing and disposal of complaints made by owners or occupiers of premises with regard to the quality of the work done by, the materials used by, or the charges made by, licensed plumbers.

**335.** (1) No licensed plumber shall infringe any of Prohibitions, and the regulations made under section cancellation of license. 330, or execute carelessly or negligently any work under this Act or any rules, bye-laws, or regulations made hereunder, or make use of bad materials, appliances, or fittings.

(2) If any licensed plumber contravenes sub-section (1), his license may be cancelled, whether he be prosecuted or not.

## CHAPTER XXIII.—STREETS AND PUBLIC PLACES.

### *Proprietary Rights of the Corporation.*

**336.** All public streets and squares (not being the Public streets and squares vested in the Corporation. property and kept under the control of the Government or the Commissioners for the Port of Calcutta), including the soil and the side-drains, footways, pavements, stones, and other materials of such streets and squares, and all erections, materials, implements, and other things provided for such streets or squares, shall vest in and belong to the Corporation.

Ben. Aft  
III. 1899,  
ss. 337-  
339.

*Maintenance, Repair, and Protection of Streets and Public Places.*

**337.** The General Committee shall, out of funds to be allotted by the Corporation, cause the public streets to be maintained and repaired, and for those purposes may do all things necessary for the public safety or convenience, including the construction and maintenance of bridges, causeways, and culverts.

**338.** (1) The Chairman shall, so far as he may consider it necessary so to do for the public convenience, cause the chief public streets and squares to be watered, and for that purpose may provide such water-carts, animals, and apparatus as he may think necessary.

(2) If any question arises as to whether any particular public street or square should be watered instead of, or in addition to, others, the matter shall be referred to the General Committee, whose decision shall be final.

**339.** (1) The Chairman shall cause any hedges belonging to the Corporation, which border on any street or square, to be trimmed or pruned to a height not exceeding seven feet, and any trees belonging to the Corporation, which overhang any public street, and obstruct the same, or cause damage thereto, to be cut and trimmed.

(2) The Chairman may, by written notice, require the owner or occupier of any building or land to trim or prune, to a height not exceeding seven feet, any hedges thereof bordering on any public street, or to cut and trim trees overhanging any public street, and obstructing the same, or causing damage thereto.

(3) The Chairman, if, for the public safety, it appears to him necessary so to do, may cause any hedge or tree referred to in sub-section (2) to be trimmed, pruned, or cut without previously giving notice to the owner or occu-

Ben. Act  
III. 1899,  
s. 340.

pier of the building or land as required by that sub-section, and the expenses thereof shall nevertheless be paid by the owner or occupier.

Regulation of verandahs, &c., projecting over streets.

**340.** (1) No verandah supported by pillars resting on a street shall be erected or re-erected—

(a) in any street specified by the General Committee in this behalf,

(b) in any street the width of which is less than fifty feet, or

(c) over any footpath the width of which is less than six feet.

(2) No roof shall be placed on any verandah supported as aforesaid, and no roof exceeding three feet in width shall be placed on any verandah projecting over a street, and not supported as aforesaid.

(3) No person shall put up any verandah, balcony, sunshade, weather-frame, or the like to project over any street without the written permission of the General Committee.

(4) Subject to the provisions of sub-sections (1) and (2), the General Committee may, at their discretion, give written permission, on such conditions as they may think fit with reference to payment of fees or rent or any other matter, to owners or occupiers of buildings abutting on any street, to put up verandahs, balconies, sunshades, weather-frames, and the like, whether supported by pillars or not, to project over such street.

(5) On the breach of any such condition, the Committee may, by written notice, require the owner or occupier to comply with such condition.

(6) At any time after permission has been given under sub-section (4) to put up a verandah, balcony, sunshade, weather-frame, or the like, to project from a building, the General Committee may, by written notice, require the owner or occupier of the building to remove such projection; and the owner or occupier shall be entitled to reason-

**Ben. Act** able compensation out of the municipal funds on account  
**III. 1899,** of such removal.

**ss. 341,**  
**342.**

**341.** (1) When any fixture has, whether before or after the commencement of this Act, been attached to a building so as to form part of the building, and the same causes a projection, encroachment, or obstruction over or on any public street or any land vested in the Corporation, the General Committee may, by written notice, require the owner or occupier of the building to remove or alter such fixture.

(2) If the expense of removing or altering any such fixture is paid by the occupier of the building, in any case in which the fixture was not erected by himself, he shall be entitled to deduct the expense of removal or alteration from the rent payable by him to the owner of the building.

(3) If the owner or occupier of the building proves that any such fixture was erected before the first day of June, one thousand eight hundred and sixty-three, or that it was erected on or after that day with the consent of any municipal authority duly empowered in that behalf, the Corporation shall make reasonable compensation to every person who suffers damage by the removal or alteration of the fixture.

**342.** (1) The Chairman may remove any wall, fence, rail, post, platform, or other obstruction, projection, or encroachment (not being a fixture referred to in section 341) which has been erected or set up, and any materials or goods which have been deposited, in a public street, or in or over any drain or aqueduct in a public street, whether the offender be prosecuted or not.

(2) When the Chairman removes any wall or other obstruction, projection, or encroachment from land which forms part of a public street, no compensation shall be payable, but the General Committee shall be bound to

provide proper means of access to and from the street if none exist already.

Ben. Act  
III. 1899,  
ss. 343-  
345.

**343.** If any building, tank, well, hole, or other place near a street be, for want of sufficient repair, protection, or enclosure, dangerous to passengers or to persons living in the neighbourhood, the Chairman may, by written notice, require the owner of the land to repair, protect, or enclose such building, tank, well, hole, or place.

**344.** (1) No person shall erect or maintain a sky-sign without the written permission of the Chairman stating that the sign is not so constructed or maintained as to be dangerous to the public, and is not likely to fall into any street or public place.

Sky-signs.

(2) Every written permission granted under sub-section (1) shall continue in force for not more than one year from the date on which it was granted, and may be revoked at any time by the Chairman if he considers that the sky-sign for which it was granted has become dangerous to the public, or is likely to fall into a street or public place.

### *Execution of Works in Streets.*

**345.** (1) When any drain in, or the pavement or surface of, any public street is opened or broken up for the purpose of carrying on any work, or when any public street is under construction, the Chairman shall cause the place to be fenced and guarded and to be sufficiently lighted during the night, and shall take proper precautions for guarding against accident, by shoring up and protecting adjoining buildings; and shall, with all convenient speed, complete the said work, fill in the ground, and repair the said drain, pavement, or surface, and carry away the rubbish occasioned thereby.

Guarding and lighting when public street opened or broken up, and speedy completion of work.

(2) No person shall, without lawful authority, remove any fence or shoring-timber, or remove or extinguish any light, set up under sub-section (1).

Ben. Act  
III. 1899,  
ss. 346-  
348.

**346.** (1) When any work referred to in section 345 is being executed in any public street, or when any other work which may lawfully be done is being executed in any street, the Chairman may direct that such street shall, during the progress of such work, be either wholly or partially closed to traffic generally, or to traffic of any specified description.

(2) When any such direction has been given, the Chairman shall set up, in a conspicuous position in or near the street, an order prohibiting traffic to the extent so directed, and shall fix such bars, chains, or posts across or in the street as he may think proper for preventing or restricting traffic therein.

(3) No person shall, without lawful authority, infringe any such order, or remove any such bar, chain, or post.

Provision of facilities, and payment of compensation, when work executed by municipal authority in public street.

**347.** (1) When any work is being executed by any municipal authority in any public street, the Chairman shall, so far as may reasonably be practicable, make adequate provision for—

- (a) the passage or diversion of traffic ;
- (b) securing access to all premises approached from such street ; and
- (c) any drainage, water-supply, or means of lighting which are interrupted by reason of the execution of the work.

(2) The Chairman shall pay compensation to any person who sustains special damage by reason of the execution of any such work.

#### *Naming of Public Streets and Numbering of Buildings.*

**348.** (1) The Chairman shall from time to time cause Naming of public streets. to be put up or painted, in a durable manner on a conspicuous part of some building, wall, or place, at or near each end, corner, or en-

trance of every public street, such name as the Corporation may from time to time determine as the name by which such street is to be known.

(2) No person shall, without lawful authority, destroy, pull down, or deface any such name, or put up any name different from that put up by order of the Chairman.

**349.** (1) The Chairman shall, from time to time, cause Numbering of build- a number to be affixed in a conspicu- ings in or near street. ous place on the outside of each building in or near a street, or at the entrance of the enclosure of each such building.

(2) No person shall, without lawful authority, destroy, pull down, or deface any such number.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number, and to replace it if removed or defaced; and, if he fails to do so, the Chairman may, by written notice, require him to replace the number.

*Lines of Buildings and Public Streets.*

**350.** (1) If the General Committee consider it expedient to define the general line of buildings on each or either side of any public street at the time in existence, they shall give public notice of their intention so to do.

(2) Such line shall not be defined so as to extend further back than the line of the wall abutting on the street at its widest part.

(3) Every such notice shall specify a period within which objections will be received.

(4) The General Committee shall consider all objections received within the said period, and may then make an order defining the said line.

(5) Such order shall be published in the Calcutta Gazette, and shall take effect from the date of such publication.

Ben. Act  
III. 1899,  
ss. 349,  
350.

Ben. Act  
III. 1899,  
§ 351,  
352.

Restrictions on construction of buildings or walls within such line.

**351.** No portion of any building or wall abutting on a public street shall be constructed within the line (if any) defined under section 350 :

Provided that the General Committee may in their discretion permit additions to be made within such line if they merely add to the height of, and rest upon, an existing building or wall, upon the owner executing an agreement binding himself and his successors in interest—

(a) not to claim compensation in the event of the Committee at any time thereafter deciding that such additions or any portion thereof ought to be removed, and

(b) to pay the expenses of such removal.

**352.** (1) When any building, wall, or part thereof projecting across a line defined under section 350, or beyond the front of the building or wall on either side of such first-mentioned building or wall, has fallen down, or been burnt down or taken down, the General Committee may, by written notice, require the same to be set back to or towards the said line or the line of either of the adjoining buildings or walls.

(2) When any building or wall is set back in pursuance of any requisition made under sub-section (1), the Corporation shall forthwith make full compensation to the owner of the building or wall for any direct damage which he may sustain thereby.

(3) The portion of land added to a street by virtue of any such requisition shall become part of the street, and shall vest in the Corporation; and the Chairman may forthwith take possession of the same on behalf of the Corporation, and, if necessary, clear it.

*Explanation.*—The expression “direct damage,” as used in sub-section (2) with reference to land, means the market-value of the land taken and the depreciation, if any, in the ordinary market-value of the rest of the land result-

ing from the area being reduced in size, but does not include damage due to any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of the site.

Ben. Act  
III. 1899,  
ss. 353-  
356.

**353.** The General Committee may, upon such terms

Setting buildings forward to improve line of public street.

as they think fit, allow any building or wall to be set forward for the purpose of improving the line of a public street.

*Opening, Improvement, and Closing of Public Streets.*

Power of General Committee to make, improve, and close streets.

**354.** The General Committee, with the sanction of the Corporation, may—

- (a) lay out and make new streets ;
- (b) construct new bridges and sub-ways ;
- (c) turn, divert, discontinue, or permanently close any public street or part thereof ; and
- (d) widen, open, enlarge, or otherwise improve any public street.

**355.** (1) When any public street is permanently

Power to dispose of so much of a permanently closed street as is not required.

closed under section 354, the Corporation may sell or lease the site of so much of the road-way and footpath as is no longer required, making due

compensation to any person injured by such closing.

(2) In determining such compensation under section 617, the Court shall make allowance for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street at or about the same time that the public street, on account of which the compensation is paid, is closed.

**356.** (1) The General Committee may, from time to

Projected public streets.

time, prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building

**Ben. Aft** line on each side of them, their intended width, and such  
**III. 1899,** other details as may appear desirable.  
**s. 357.**

(2) The width of such proposed streets shall not be less than forty feet, or, in a bustee, twenty feet, inclusive of space for footpaths :

Provided that this sub-section shall not apply in any case in which the street alignment runs along an existing street, and the General Committee consider it impracticable to widen the street to the extent of forty feet or twenty feet, as the case may be.

(3) It shall be the duty of the General Committee to lay out public streets in bustees, so far as may be practicable, both for the purpose of securing proper ventilation for huts in such bustees, and in view to the contingency of masonry buildings being erected therein.

(4) When any plan has been prepared under sub-section (1), the street to which it refers shall be deemed to be a projected public street, and the provisions of section 352 shall apply to all buildings and walls which may fall down or be burnt down or taken down, so far as they stood across the street alignment or building line of the projected street.

#### *Acquisition of Land and Buildings.*

**357.** (1) The Chairman, with the approval of the Corporation, may acquire any land required for the purpose of opening, widening, extending, or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land.

(2) The Chairman, with the approval of the Corporation and the sanction of the Local Government, may acquire, in addition to land and buildings acquired under sub-section (1), any land outside the proposed street alignment, with the buildings, if any, standing thereupon, which the Corporation may, in the exercise of any of the powers conferred by sub-section (1), consider it expedient to acquire :

Ben. Act  
III. 1899,  
s. 358.

Provided that, in any case in which it is decided to acquire any land under this sub-section, the owner of such land may retain it by paying to the Corporation an annual sum to be fixed by the General Committee in that behalf, or a lump sum to be fixed by the General Committee, not being less than twenty-five times such annual sum.

(3) If any sum payable in pursuance of the proviso to sub-section (2) in respect of any land be not duly paid, the same shall be recoverable in the manner provided by this Act for the recovery of the consolidated rate; and, if not so recovered, the Chairman may enter upon the land, and sell the same, with any erections standing thereon, by public auction, and may deduct the said sum and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

(4) Any sum paid in pursuance of the proviso to sub-section (2), or recovered under sub-section (3) in respect of any land, shall be left out of account in determining the annual value of such land for the purpose of assessing it to the consolidated rate.

(5) Any land or building acquired under sub-section (2) may be sold, leased, or otherwise disposed of by the General Committee after public advertisement; and any conveyance made for that purpose may comprise such conditions as the Committee think fit as to the removal of the existing building (if any), the description of new building (if any) to be erected, the period within such new building (if any) shall be completed, and any other similar matters.

(6) The General Committee may require any person to whom any land or building is transferred under sub-section (5) to comply with any conditions comprised in the said conveyance before they place him in possession of the land or building.

*Special Provisions as to Private Streets.*

**358.** (1) Any person intending to make or lay out a new private street must send to the Chairman a written notice, with plans and sections showing the following particulars, namely,—

Gen. Act  
III. 1899,  
s. 359.

- (a) the intended level and width of the street,
- (b) the street alignment and the building line, and
- (c) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, and lighting the street.

(2) The provisions of this Act as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1); and all the particulars referred to in that sub-section shall be subject to approval by the General Committee.

(3) Within thirty days after the receipt of any notice under sub section (1), the General Committee shall either sanction the making of the street, or disallow it, or ask for further information with respect to it.

(4) Such sanction may be refused —

(i) if the proposed street would conflict with any arrangements which have been made, or which are, in the opinion of the General Committee, likely to be made, for carrying out any general scheme of street improvement,

(ii) if the proposed street does not conform to the provisions of this Act referred to in sub-section (2), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) If further information is asked for, no steps shall be taken to make or lay out the street until orders have been passed upon receipt of such information.

**359.** No person shall make or lay out any street referred to in section 358, sub-section (1), until he has obtained the sanction of the General Committee under that section, or in contravention of any orders made thereunder.

Ben. Act  
III. 1899,  
ss. 360,  
361.

**360.** (1) If any person makes or lays out any street referred to in section 358, sub-section (1), without having obtained the sanction of the General Committee under that section, or in contravention of any orders made thereunder, the Chairman may, with the sanction of the General Committee, whether or not the offender be prosecuted under this Act, by written notice,—

- (a) require the offender to show sufficient cause, by a written statement signed by him and sent to the Chairman on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the Chairman, or, if such alteration be impracticable, why such street should not be demolished, or
- (b) require the offender to appear before the Chairman, either personally or by a duly authorized agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause, to the satisfaction of the Chairman, why such street should not be so altered or demolished, the Chairman may cause the street to be so altered or demolished, and the expenses thereof shall be paid by such person.

**361.** (1) If any private street or any part thereof be Levelling, &c., of not levelled, paved, metalled, flagged, private streets. channelled, sewered, drained, and lighted to the satisfaction of the General Committee, they may, by written notice to the respective owners or occupiers of the land fronting, adjoining, or abutting upon such street or part, as the case may be, require them to level, pave, metal, flag, channel, sewer, drain, and light such street or part.

(2) If such notice be not complied with, the General Committee may, if they think fit, direct the Chairman to execute the works mentioned or referred to therein; and the expenses thereby incurred shall be paid by the owners

Gen. Act  
III. 1899,  
ss. 362-  
364.

in default, according to the frontage of their respective lands, in such proportion as may be settled by the General Committee, or, in case of dispute, as may be settled under section 617.

**362.** (1) If any private street, which conforms to the provisions of this Act referred to in section 358, sub-section (2), be levelled, paved, metalled, flagged, channelled, sewered, drained, and lighted to the satisfaction of the General Committee, the Corporation may, if they think fit, and if three-fourths of the owners of buildings in such street signify in writing their consent thereto, declare the same, by written notice put up in any part of such street, to be a public street, and thereupon the same shall become a public street, and shall vest in the Corporation.

(2) The Corporation may, with the consent of the owner or all the owners thereof, take possession of any private street which conforms to the provisions of this Act referred to in section 358, sub-section (2); and thereupon such street shall become a public street, and shall vest in the Corporation.

## CHAPTER XXIV.—BUILDINGS.

**363.** After the commencement of this Act, no piece of land shall be used as a site for the erection of a building, and no building shall be erected or re-erected, otherwise than in accordance with the provisions of this Chapter and Schedule XVII. and any orders, rules, or bye-laws made under this Act, relating to the use of building sites or the erection or re-erection of buildings, as the case may be.

### *Building Sites.*

**364.** (1) If any site is so shaped or situated or is of such size that the owner is debarred, by the operation of this Act or the rules or bye-laws made hereunder, from erecting a building on

Ben. Act  
III. 1899,  
s. 365.

the site, the General Committee may, with the consent of the owner, sell the site by public auction.

(2) The General Committee shall, with the like consent, fix a price below which the site shall not be sold; and owners of adjacent lands shall have a right, in preference to all other persons, to buy the site at any sum bid at the auction over and above such price.

(3) The proceeds of the sale shall, after deducting the expenses of effecting it, be paid to the aforesaid owner.

**365.** (1) When two or more adjoining plots of land

Formation of plots  
into suitable building  
sites, and sale of such  
sites.

are, by reason of their shape, situation,  
or size, individually unsuitable for  
the construction of buildings in ac-  
cordance with the provisions of this

Act and the rules and bye-laws made hereunder, and the owners of such plots cannot agree to amalgamate and re-divide the plots in order to admit of the construction of buildings as aforesaid, the General Committee may, on the written request of the owners of not less than three-fourths of the area of such plots, take possession of the land, and form it into suitable building sites.

(2) When such sites have been so formed, the General Committee shall cause each of them to be separately put up for sale by public auction, and may fix in respect of each site a price below which it shall not be sold.

(3) If no sufficient offer is made at the auction for any site, the General Committee may, as often as they may think fit, cause it to be again put up for sale, and alter the upset price, or may, with the consent of all the owners of whose land the site forms part, dispose of it by private sale.

(4) The proceeds of every sale of a site under this section shall, after deducting the expenses of effecting the sale, be divided among the owners of the land from which the site was formed, in proportion to the relative value of their shares in such land; and such proportion shall be determined by the General Committee, whose decision shall be final.

Ben. Act  
III. 1899,  
ss. 366,  
367.

**366.** When any person, after the commencement of this Act, sells land for sub-division into building sites, and the area of any such site is too small to admit of sufficient land being left for the formation of a street in accordance with the provisions of this Act, the instrument of sale shall be deemed, in the absence of an express clause therein to the contrary, to include a covenant binding the vendor, his executors, administrators, and assigns, to provide, free of further payment, so much additional land as may be needed for the formation of such street.

Implied covenant in sales of land for sub-division into building sites.

*Buildings generally.*

Power to regulate future erection of certain classes of buildings in particular streets or localities.

**367.** (1) The Corporation may, at the instance of the General Committee, give public notice of their intention to declare—

(a) that, in any streets or portions of streets specified in the notice,—

(i) continuous building will be allowed, subject to the provisions of this Act relating to continuous building, or

(ii) the elevation and construction of the frontage of all masonry buildings thereafter erected or re-erected shall, in respect of their architectural features, be such as the General Committee may consider suitable to the locality, or

(b) that, in any localities specified in the notice, the erection of only detached buildings will be allowed, subject to the provisions of this Act relating to detached buildings, or

(c) that, in any streets, portions of streets, or localities specified in the notice,—

(i) the erection of shops will not be allowed without the special permission of the General Committee, or

- (ii) the erection of buildings of the warehouse class will not be allowed without the special permission of the General Committee, or
- (iii) the erection of buildings of the warehouse class will be allowed subject to the provisions of this Act relating to such buildings, or
- (iv) the erection of huts will not be allowed without the special permission of the General Committee.

Ben. Act  
III. 1899,  
s. 368.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The General Committee shall consider all objections received within the said period, and shall then report to the Corporation, who may prepare a declaration relating to the streets or localities referred to in the notice, and submit the declaration to the Local Government together with the said objections (if any) and their report upon them.

(4) The Local Government, after considering the said objections (if any), may confirm the declaration, and, before doing so, may modify it, but not so as to extend its effect.

(5) When any such declaration has been so confirmed, it shall be published in the Calcutta Gazette, and shall take effect from the date of such publication.

(6) No person shall erect or re-erect any building in contravention of any such declaration.

**368.** (1) External roofs or walls of buildings shall not, after the commencement of this Act, be made of grass, leaves, mats, canvas, or other inflammable materials.

Prohibition of inflammable materials for roofs or external walls.

(2) The General Committee may, by written notice, require the owner of any building situated in or near a street, and contiguous to or adjoining any other building,

**Ben. Act III. 1899, ss. 369, 370.** and having, at the commencement of this Act, an external roof or wall made of any such inflammable material as aforesaid, to remove or alter such roof or wall.

*Explanation.*—Sub-sections (1) and (2) do not apply to bamboo, shingle, or wood.

(3) Sub-sections (1) and (2) shall not apply to any garden hut, orchid house, fernery, or other similar structure within a compound, unless in any particular case the General Committee consider any such structure to be dangerous.

(4) Nor shall sub-sections (1) and (2) apply to the area which was added to Calcutta by the Calcutta Municipal Consolidation Act,\* or to any area hereafter included in Calcutta under section 637, or to any portion of any of those areas, until they have been specially extended thereto by a resolution passed by the Corporation.

### *Masonry Buildings.*

**369.** The General Committee may, by written notice, require the owner of any public building, whether erected before or after the commencement of this Act, to provide the building with external doors or door-ways of such number, height, and width as the Committee may consider necessary, or to cause the external doors thereof to be so constructed or altered as to open outwards.

Application for permission to erect or re-erect a masonry building.

**370.** (1) Every person who intends to erect or re-erect a masonry building shall send to the Chairman—

- (a) an application for approval of the site, together with a site-plan of the land, and
- (b) an application for permission to execute the work, together with a plan of the building, complete elevations and sections of the work, and a specification of the work.

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\* Ben. Act II. of 1888. Repealed by this Act.

(2) Every document referred to in sub-section (1) shall contain the particulars, and be prepared in the manner, prescribed in this behalf in Schedule XVII.

Ben. Act  
III. 1899,  
ss. 372-  
374.

**371.** Permission to erect or re-erect a masonry build-

Permission to erect or re-erect masonry building not to be given unless and until site approved.

ing shall not be given unless and until the Chairman has approved the site on an application sent to him under section 370.

**372.** The erection or re-erection of a masonry build-

Work not to be commenced unless and until permission given.

ing shall not be commenced unless and until the Chairman has granted written permission for the execution of the work on an application sent to

him under section 370.

**373.** Within thirty days after the receipt of any appli-

Approval of site when to be given or refused.

cation made under section 370 for approval of a site, or of any information or further information required

under Schedule XVII., or within fifteen days after the Chairman has been satisfied that there are no objections which may lawfully be taken to the approval of the site, the Chairman shall, by written order, either approve the site, or refuse, on one or more of the grounds mentioned in section 377, to approve the site :

Provided that the making of such order shall not in any case be delayed for more than thirty days after the Chairman has received all the information which he considers necessary to enable him to deal finally with the said application.

**374.** Within thirty days after the receipt of any appli-

Permission to execute work when to be given or refused.

cation made under section 370 for permission to execute any work, or of any information or documents or

further information or documents required under Schedule XVII., or within fifteen days after the Chairman has been satisfied that there are no objections which may lawfully be taken to the grant of permission to execute the work,

**Ben. Aft** the Chairman shall, by written order, either grant permis-  
**III. 1899,** sion to execute the work, or refuse, on one or more of the  
**ss. 375,** grounds mentioned in section 377 or section 378, to grant  
**376.** such permission :

Provided that the said period of thirty days shall not, in any of the cases mentioned in this section, begin to run until the site has been approved under section 373 :

Provided also that the making of such order shall not in any case be delayed for more than thirty days after the Chairman has received all the information which he considers necessary to enable him to deal finally with the said application.

**375. (1)** Whenever the Chairman refuses to approve a building site for a masonry building, or to grant permission to erect or re-erect a masonry building, he shall state specifically the grounds for such refusal, and the applicant may appeal to the General Committee against such refusal.

(2) The decision of the General Committee shall be final.

(3) If the General Committee reject any such appeal, they shall, by written order, specifically state the grounds for such rejection.

**376. (1)** If, within the period prescribed by section 373 or section 374, as the case may be, the Chairman has neither given nor refused his approval of a building site or his permission to execute any work, as the case may be, the General Committee shall be bound, on the written request of the applicant, to determine, by written order, immediately on the expiration of such period, whether such approval or permission should be given or not.

(2) If the General Committee do not, within fifteen days from the receipt of such written request, determine whether such approval or permission should be given or not, such

approval or permission shall be deemed to have been given ; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or bye-laws made hereunder.

Ben. Act  
III. 1899,  
ss. 377,  
378.

**377.** The only grounds on which approval of a site for the erection or re-erection of a masonry building, or permission to erect or re-erect a masonry building, may be refused, are the following, namely :—

Grounds on which approval of site for, or permission to erect or re-erect, a masonry building may be refused.

(1) that the work, or any of the particulars comprised in the site-plan, building plan, elevations, sections, or specification, would contravene some specified provision of this Act, or some specified order, rule, or bye-law made hereunder ;

(2) that the application for such permission does not contain the particulars, or is not prepared in the manner, prescribed in Schedule XVII. ;

(3) that any of the documents referred to in section 370 have not been signed as prescribed in the said Schedule ;

(4) that any information or documents required by the Chairman under the said Schedule has or have not been duly furnished ; or

(5) that the applicant has not satisfied the Chairman that there are no objections which may lawfully be taken, on any of the grounds hereinbefore in this section mentioned, to the grant of the said approval or permission.

Special powers for suspending or granting permission to erect a masonry building, or convert huts, &c., into a masonry building.

**378.** Notwithstanding anything contained in section 377,—

(a) if any street shown in the site-plan is an intended private street, the Chairman may at his discretion refuse to grant permission to erect a masonry building, or to convert one or

Gen. Act  
III, 1899,  
ss. 379-  
383.

more huts or temporary structures into a masonry building, until the street is commenced or completed, and

- (b) the Chairman may, for special reasons, grant permission to erect a masonry building, or to convert one or more huts or temporary structures into a masonry building, on any site without reference to its position in relation to any street.

**379.** If the erection or re-erection of any masonry building is not commenced within one year after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made, and a fresh permission granted, under this chapter.

Lapse of permission if not acted upon within one year.

**380.** Not less than three days before any person commences to erect or re-erect a masonry building, the owner of the building shall send to the Engineer a written notice specifying the date on which it is proposed to commence the work.

Notice before commencing work.

**381.** Within one month after the erection or re-erection of a masonry building has been completed, the owner shall send to the Engineer a written notice of the fact.

Notice after completion of work.

**382.** The Chairman may, at any time during the erection or re-erection of any masonry building, or within one month after the receipt of the notice sent under section 381 with respect to any masonry building, inspect such building without giving previous notice of his intention so to do.

Inspection by Chairman.

**383.** (1) If, on making any such inspection, the Chairman finds that the building is being or has been constructed—

Powers of Chairman on making inspection.

- (a) otherwise than in accordance with the plans thereof which he has approved, or

- (b) in such a way as to contravene any of the provisions of this Act or any rules or bye-laws made under this Act,

Ben. Act  
III. 1899,  
s. 384.

he may, by written notice, require the owner of the building either—

- (i) to make such alterations as may be specified in the notice with the object of bringing the work into conformity with the said plans or provisions, or
- (ii) to appear before him and show cause why such alterations should not be made.

(2) If such owner does not appear and show cause as aforesaid, he shall be bound to make the alterations specified in such notice.

(3) If such owner appears and shows cause as aforesaid, the Chairman shall, after hearing him, cancel the notice issued under sub-section (1), or confirm the same subject to such modifications, if any, as he may think fit.

(4) An appeal shall lie to the General Committee from any requisition made under sub-section (1) or order passed under sub-section (3) for the alteration of a building, and their decision shall be final.

### *Huts.*

Application to be sent, and particulars furnished, by person intending to erect or re-erect a hut.

**384.** (1) Every person who intends to erect or re-erect a hut shall send to the Chairman—

- (a) an application for permission to execute the work, and
- (b) a site-plan of the land.

(2) Every such application and plan shall contain the particulars, and be prepared in the manner, prescribed in this behalf in Schedule XVII.

Ben. Act  
III. 1899,  
ss. 385-  
388.

**385.** The erection or re-erection of a hut shall not be commenced unless and until the Chairman has granted written permission for the execution of the work on an application sent to him under section 384.

**386.** Within fourteen days after the receipt of any application made under section 397 for permission to erect or re-erect a hut, or of any information or plan or further information or fresh plan required under Schedule XVII., or within fourteen days after the Chairman has been satisfied that there are no objections which may lawfully be taken to the execution of the work, the Chairman shall, by written order, either grant such permission, or refuse, on one or more of the grounds mentioned in section 389, to grant it:

Provided that the making of such order shall not in any case be delayed for more than fourteen days after the Chairman has received all the information which he considers necessary to enable him to deal finally with the said application.

**387. (1)** Whenever the Chairman refuses to grant such permission as aforesaid, he shall state specifically the grounds for such refusal, and the applicant may appeal to the General Committee against such refusal.

**(2)** The decision of the General Committee shall be final.

**(3)** If the General Committee reject any such appeal, they shall, by written order, specifically state the grounds for such rejection.

**388. (1)** If, within the period prescribed by section 386, the Chairman has neither granted, nor refused to grant, permission to erect or re-erect a hut, the General Committee shall be bound, on the

Reference to General Committee if Chairman delays grant or refusal of permission.

written request of the applicant, to determine, by written order, immediately on the expiration of such period, whether such permission should be granted or not.

Ben. Act  
III. 1899,  
ss. 389,  
390.

(2) If the General Committee do not, within fifteen days from the receipt of such written request, determine whether such permission should be granted or not, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or bye-laws made hereunder.

Grounds on which  
permission to erect or  
re-erect a hut may be  
refused.

**389.** The only grounds on which permission to erect or re-erect a hut may be refused are the following, namely:—

- (1) that the work would contravene some specified provision of this Act, or some specified order, rule, or bye-law made hereunder;
- (2) that the application for such permission does not contain the particulars or is not prepared in the manner prescribed in Schedule XVII.;
- (3) that any information or plan required by the Chairman under the said Schedule has not been duly furnished; or
- (4) that the applicant has not satisfied the Chairman that there are no objections which may lawfully be taken, on any of the grounds hereinbefore in this section mentioned, to the grant of the said permission.

**390.** If the erection or re-erection of any hut is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

Lapse of permission  
if not acted upon with-  
in six months.

Ben. Act  
III. 1899,  
s. 391.

*Application of Act to Alterations of, and Additions to, Buildings.*

**391.** (1) Without the consent of the General Committee, no person shall make any alteration of, or addition to, any building in such manner that, when so altered or added to, the building will, by reason of such alteration or addition, not be in conformity with the provisions of this Chapter or Schedule XVII., or any orders, rules, or bye-laws made under this Act, relating to the erection of buildings.

(2) Every alteration of, or addition to, a building, and any other work made or done for any purpose in, to, or upon a building, shall, so far as regards such alteration, addition, or other work, be subject to the provisions of this Chapter and Schedule XVII., and any orders, rules, or bye-laws made under this Act, relating to the erection of buildings:

Provided as follows:—

- (a) none of the said provisions, orders, rules, or bye-laws, shall apply in the case of a necessary repair not affecting the position or dimensions of a building;
- (b) sections 370 to 383 or sections 384 to 390, as the case may be, shall not apply in the case of any alteration of, or addition to, a building unless one or more of the works referred to in rule 52 of Schedule XVII. is or are undertaken;
- (c) provisional permission to proceed with any of the works referred to in the said rule 52 may be granted in the cases, and subject to the conditions, prescribed in this behalf in the said Schedule XVII.

(3) If any question arises as to whether any alteration, addition, or other work is a necessary repair not affecting the position or dimensions of a building, the matter shall be referred to the General Committee, whose decision shall be final.

*Compensation.*

Ben. Act  
III. 1899,  
ss. 392-  
394.

**392.** If permission to erect a masonry building, or to

Compensation after refusal to permit building when site falls within street alignment of projected public street.

convert one or more huts or temporary structures into a masonry building, is refused on the ground that the site falls wholly or in part within the street alignment of any projected

public street, and if the site or the portion thereof which falls within such alignment be not acquired by the Chairman under section 357 within one year after the date of such refusal, the Corporation shall pay reasonable compensation to the owner of the site.

*Exemptions.*

Exemptions.

**393.** The following buildings shall be exempted from this chapter, that is to say :—

(a) any building erected and used, or intended to be erected and used, exclusively for the purpose of a plant-house, summer-house (not being a dwelling-house), poultry-house, or aviary, provided the building be wholly detached from, and situated at a distance of at least ten feet from, the nearest adjacent building, and

(b) any building erected, or intended to be erected, by, or with the sanction of, the Corporation or the General Committee for use solely as a temporary hospital for the reception and treatment of persons suffering from any dangerous disease.

## CHAPTER XXV.—GENERAL IMPROVEMENTS.

Power to acquire land and buildings for improvements.

**394.** The Corporation may acquire any land and buildings, whether situated in Calcutta or not,—

III. (Ben.) 99.—15.

Ben. Act  
111. 1899,  
s. 395.

(1) for the purpose of opening out any congested or unhealthy area, or of otherwise improving any portion of Calcutta; or

(2) for the purpose of erecting sanitary dwelling for the poorer classes.

**395.** (1) When any land or building has been acquired in pursuance of section 394 for the purpose of carrying out any work, the General Committee shall frame a scheme for the carrying out of such work, either by themselves, or by some person who satisfies the General Committee of his ability to carry out such work.

(2) When any scheme is framed under sub-section (1) for the carrying out of work by any person, the scheme shall embody the terms and conditions agreed upon between the General Committee and such person; and such conditions shall include a power to the Chairman to superintend and control the execution of the work.

(3) Every scheme framed under sub-section (1) shall be published in the Calcutta Gazette and in such other manner as the General Committee may think fit, together with a notice specifying a period within which objections will be received.

(4) The General Committee shall consider all objections received within the said period, and shall then submit the scheme to the Corporation, together with the said objections (if any) and their report upon them.

(5) The Corporation shall, after considering the scheme and the said objections and report (if any), submit the documents to the Local Government, with any recommendations they may desire to make.

(6) The Local Government, after considering the said objections, report, and recommendations (if any), may confirm the scheme, and, before doing so, may modify it, but not so as to extend its effect.

**396.** When any scheme for the carrying out of work by the General Committee has been confirmed by the Local Government, the General Committee may proceed to carry out the work in accordance with the scheme.

Power of General Committee to carry out improvements.

Ben. A. & III. 1899, ss. 396-398.

**397.** (1) When any scheme for the carrying out of work by any person has been confirmed by the Local Government, the Corporation may sell, lease, or otherwise transfer to such person the land and buildings which have been acquired in pursuance of section 394, for the purpose and under the condition that he will carry out such work in accordance with such scheme.

Transfer of land and buildings to person for carrying out improvements.

(2) Every lease granted by the Corporation under this section shall be deemed to include a covenant authorizing the Corporation to re-enter in the event of the lessee failing to carry out any work in accordance with the said scheme, or in the event of the lessee, after carrying out the work, using the land or buildings leased to him, or any part thereof, or allowing the same to be used, for any purpose which is inconsistent with the said scheme.

(3) Before possession of any land or building is given by the Corporation in pursuance of any contract (other than a lease) made under this section, the Corporation shall take security for the due carrying-out and maintenance of work in accordance with the said scheme.

(4) The covenant referred to in sub-section (2) shall be binding on all transferees from the original grantee.

## CHAPTER XXVI.—BUSTEES.

### *Preliminary.*

**398.** The General Committee may define the external limits of any bustee, and may, from time to time, alter such limits.

Power to define and alter limits of bustees.

Ben. Act  
III. 1899,  
ss. 399,  
400.

**399.** None of the powers conferred by any of the following sections of this chapter shall be exerciseable in respect of masonry buildings in a bustee, or lands pertaining to such buildings, unless such buildings and lands be purchased or acquired by the Corporation.

Restriction on application of this chapter to masonry buildings in bustees.

### *Improvement of Bustees.*

**400. (1)** The General Committee may at any time serve a written notice upon the owners of a bustee requiring them to prepare a joint plan of the bustee, to the scale of twenty-five feet to the inch, showing—

Preparation of standard plan by owners.

- (a) the manner in which the bustee should be laid out, with the huts standing in regular lines, and with a free passage in front of and behind each line, of such width as may be necessary for ventilation and for scavenging,
- (b) the proposed drains,
- (c) the water-supply, the bathing arrangements (if any), and the privy accommodation to be provided for the use of the tenants,
- (d) the streets and passages which are to be maintained for the benefit of the tenants,
- (e) the land (if any) which is to be kept as common land,
- (f) the tanks which are to be filled up, and the tanks which are to be conserved, and
- (g) any other proposed improvements.

(2) The streets referred to in clause (d) shall be not less than twenty feet wide and not more than two hundred feet apart, and the passages referred to in that clause shall be not less than fifteen feet wide.

(3) If any land within the limits of a bustee is not bustee land, the said plan shall be so prepared as clearly to distinguish such land from the bustee land.

Ben. Act  
III. 1899,  
ss. 401,  
402.

(4) The said plan shall be considered by the General Committee, and such modifications shall be made therein as they may require.

(5) The said plan shall then be laid before the Corporation, and, when approved by them, shall be deemed to be the standard plan of the bustee.

**401.** (1) After the service of a notice under section 400 on the owners of any bustee, if such owners do not agree among themselves in the preparation of a plan as required by such notice, or if they, for any reason, prefer to have a plan prepared for them by the General Committee, or if they fail to comply within sixty days with such notice, the General Committee shall, within a further period of sixty days, themselves prepare a plan to the scale, and showing the particulars prescribed in the said section.

(2) When a plan has been prepared by the General Committee under sub-section (1), they shall fix a day for the hearing of objections made by or on behalf of the owners of the bustee, and may, at their discretion, modify the plan in accordance with any objection so made.

(3) If such objections are disallowed, or when the plan has been modified in conformity with any of such objections, the plan shall be laid before the Corporation, and, when approved by them, shall be deemed to be the standard plan of the bustee.

(4) When the General Committee prepare a plan under sub-section (1), they may charge the said owners therefor at such rate not exceeding three rupees *per bigha* as the Corporation may fix, and such charge shall be recoverable in the manner provided by this Act for the recovery of the consolidated rate.

**402.** When the owners of a bustee have been required under section 400 to prepare a plan, no hut shall be erected, re-erected, or added to within the bustee until a plan

Suspension of building pending preparation of standard plan.

**Ben. Act** has been prepared and approved under that section or  
**III. 1899,** under section 401.

**ss. 403-  
406.**

**403.** When a standard plan has been prepared for any bustee under section 400 or section 401, no hut shall be erected, re-erected, or added to in such bustee unless the hut, or the portion (if any) to be added, as the case may be, occupies a site, or portion of a site, marked in the standard plan as the site for a hut.

**404.** The General Committee may at any time, on paying compensation to the owner of any hut which is not in conformity with such standard plan, require him to take down the hut, and re-erect it in conformity with the plan.

**405. (1)** The General Committee may at any time, by written notice, require the owners of any bustee for which a standard plan has been prepared as aforesaid—

Power to require carrying-out of other improvements in conformity with standard plan.

(a) to construct the drains, privies, streets, and passages, and carry out the other improvements shown in such standard plan, so far as may be practicable, having regard to the existing arrangement of the huts, and,

(b) if any tank is shown in such plan as to be filled up or improved, to fill up or improve such tank.

(2) Until such notice is complied with, the Chairman may refuse to sanction the erection or re-erection of, or the making of any addition to, any hut in the bustee.

**406. (1)** If it appears to the General Committee that any bustee is, by reason of the manner in which the huts are crowded together, or for any other reason, in such an unhealthy condition that the procedure provided by the foregoing sections of

Inspection, report, and preparation of standard plan by medical officer and engineer in cases requiring expedition.

this chapter would be too dilatory to meet the emergency, they may cause the bustee to be inspected by two officers, one of whom shall be a medical officer and the other an engineer.

Ben. Act  
III. 1899,  
s. 407.

(2) The said officers shall forthwith make a written report on the sanitary condition of the bustee, and shall annex to the report a plan approved by them as a proper standard plan of the bustee, and shall certify which of the improvements required to bring the bustee into conformity with such plan should be taken in hand forthwith in consequence of the unhealthy condition of the bustee, and which of them should be deferred for action under the foregoing sections of this chapter.

(3) The former improvements shall be shown in a schedule to be annexed to the report, and called Schedule A; and that schedule must clearly indicate—

- (a) the huts which should wholly or in part be removed,
- (b) the streets, passages, and drains which should be constructed,
- (c) the tanks or low lands which should be filled up,
- (d) other improvements which the said officers consider to be required in order to remove or abate the unhealthy condition of the bustee, and,
- (e) if, for the purpose of making such streets or passages, or effecting any other improvement indicated in such schedule, it is necessary to purchase or acquire any land within the bustee which is not bustee land, the land which should be so purchased or acquired.

**407.** The General Committee shall, within six months

Approval by General Committee of standard plan annexed to such report.

after the receipt of such report, approve the standard plan annexed thereto after hearing the objections of the owner (if any), and after making such modifications (if any) as they may deem proper.

Ben. Act  
III. 1899,  
ss. 408-  
410.

**408.** The General Committee may cause a written notice to be served upon the owners or occupiers of the huts referred to in the said report, or, at the option of the Committee, upon the owners of the land on which such huts are situated, requiring them to carry out all or any of the improvements indicated in the said Schedule A or any portion of such improvements.

**409.** (1) If, after the service of a notice under section 408, the said improvements are not duly carried out in accordance with the notice, the General Committee may cause all or any of such improvements, or any portion thereof, to be carried out.

(2) All expenses incurred by the General Committee under sub-section (1), including such reasonable compensation as the Committee may think fit to pay to the owners or occupiers of huts removed, shall be paid by the owners of the land, and may be paid by instalments if the Committee so direct:

Provided that, if it appears to the Committee that any such owner is unable, by reason of poverty, to pay such expenses or any portion thereof, they may order the same to be paid out of the municipal funds.

**410.** (1) If any hut be pulled down in executing any improvement under the orders of the General Committee in pursuance of section 409, the Committee shall cause the materials of such hut to be given to the owner of the hut; or, if the owner be unknown or the title be disputed, the materials shall be sold, and the proceeds of the sale, together with any sum which may be awarded as compensation under section 409, sub-section (2), shall be held in deposit by the Corporation until the person claiming the amount obtains an order from a competent Court for the payment of the same to him.

Ben. Act  
III. 1899,  
ss. 411-  
413.

(2) A Court of Small Causes shall be deemed to be a competent Court for the purposes of this section.

**411.** The Corporation may, at any time after the

Power of Corporation to purchase or acquire land in pursuance of report made under section 406.

receipt of a report made under section 406, purchase or acquire any land (not being bustee land) which is mentioned in that behalf in Schedule A

annexed to such report.

**412.** When improvements have been carried out in

Application of sections 403 to 405 in order to bring bustee into conformity with standard plan approved under section 407.

any bustee under section 408 or section 409, the provisions of sections 403, 404, and 405, shall apply to the bustee for the purpose of bringing it into complete conformity with the standard plan approved under section 407.

standard plan approved under section 407.

**413.** (1) Notwithstanding anything contained in sections

Alternative power to General Committee to make standard plan, to purchase or acquire bustee, and to carry out improvements themselves, or through purchaser or lessee.

407 to 412, the General Committee may, after receipt of a report made under section 406 with respect to any bustee, pass a resolution to the effect that the bustee is an unhealthy area, and that, in their opinion, the purchase or acquisition of the bustee,

or of any portion thereof, is necessary for the purpose of making the requisite improvements therein.

(2) When any such resolution has been passed, the General Committee shall proceed to make a standard plan for the improvement of the said bustee or portion, and shall lay such plan before the Corporation, together with such estimates as may be necessary for a due understanding of the same, and a copy of the said resolution.

(3) If the plan be approved by the Corporation, they shall submit it to the Local Government, together with the said estimates and a copy of the said resolution; and if the plan be approved by the Local Government, the General Committee may purchase or acquire the said bustee or portion.

Ben. Act  
III. 1899,  
ss. 414,  
415.

(4) When the said bustee or portion has been so purchased or acquired, the General Committee shall either—

(a) sell or let the same or part thereof to some person for the purpose and under the condition that he will, as respects the land so sold or leased to him, carry out the improvements shown in such standard plan, or

(b) themselves bring the said bustee or portion, together with any part thereof which has not been sold or leased under clause (a), into conformity with such standard plan.

(5) The General Committee shall be bound to proceed as directed by sub-section (4) within a period of two years from the date of their purchasing or acquiring the said bustee or portion in pursuance of sub-section (3), or within such further period (if any) as the Local Government may prescribe.

(6) Whenever action is taken under sub-section (4), clause (a), the provisions of sub-sections (2) and (4) or sub-section (3), as the case may be, of section 397, shall be applicable.

**414.** (1) A standard plan prepared under this chapter shall not, without the consent of the owners, show more than one-third of the area of the bustee as streets or passages, or more than one-half of the same as open lands not to be built upon, whether such open lands be common ground, streets, passages, or spaces behind a line of huts.

(2) No tank that is not filled up shall be taken into account in calculating the said proportions of one-third and one-half.

**415.** (1) Every such standard plan shall, as far as possible, provide for one or more huts being completely contained in each separate plot of bustee land within the bustee, and for the prescribed proportion of area to be shown in standard plan as streets, passages, and open lands.

Regulation of plots by standard plan, and compensation for adjustment of plots.

such standard plan shall, as far as possible, provide for one or more huts being completely contained in each separate plot of bustee land within the bustee, and for the prescribed proportion of area to be shown in standard plan as streets, passages, and open lands.

Ben. Act  
III. 1899,  
ss. 416,  
417.

tion of roadway and open ground in each plot; and if a greater portion of any one plot is taken for streets, passages, or open lands than the proportion allowed by section 414, the compensation which should be paid to the owner of such plot, and the persons who should pay such compensation by reason of their benefiting by the arrangement, must be specified in the plan.

(2) If no owner can equitably be called upon to pay such compensation, the same shall be paid by the Corporation.

(3) The compensation payable as aforesaid to the owner of any plot shall not be paid until such plot has been brought into complete conformity with the standard plan.

**416.** (1) The streets shown in the standard plan of a bustee, which are not already public streets, shall, unless the General Committee and the owners concerned otherwise agree, remain private streets; and the portion thereof which falls on the land of each owner shall belong to such owner:

Provided that any portion of any such street which falls on land purchased or acquired by the Corporation in pursuance of section 411 shall remain the property of the Corporation.

(2) Every such private street shall at all times be kept open to the use of the municipal authorities for scavenging purposes, and for the other purposes of this Act, and shall also be kept open for the use of all the tenants of the bustee; but no such use of any such street shall be held by any lapse of time to confer a right of way on the public so as to bring the street within the definition of a "public street."

Rights of owners of land and huts, respectively, over streets, land, and drains shown in standard plan.

**417.** When a standard plan for a bustee has been approved,

the several owners of bustee land shall respectively be deemed to be the occupiers of the streets and common

**Ben. Act** ground of the bustee, and of such drains of the bustee as  
**III. 1899,** serve more than one hut, so far as the same are constructed  
**ss. 418,** in accordance with such standard plan ;  
**419.**

and the owner of each hut shall be deemed to be the occupier of the land occupied by his hut, of that portion of the open space behind his hut which appertains to the hut, and of any drain which is provided for the sole use of his hut.

**418.** When a bustee has been brought into conformity with any standard plan approved under this chapter, it shall be deemed to be a remodelled bustee.

Bustee when to be deemed a remodelled bustee.

**419. (1)** Any owner of bustee land may at any time send a written notice to the Chairman that he intends to make such changes as will take the land or any part thereof out of the category of bustee land.

Power to take land out of the category of bustee land.

(2) From the date of such notice no application shall be received for erecting, re-erecting, or adding to any hut on such land.

(3) Such owner shall be bound to remove, within six months after the date of such notice, all huts standing on such land ; and if he does not do so, the notice shall be deemed to be cancelled.

(4) When all huts have been so removed, such land shall cease to be bustee land, and shall, according to its situation, either be altogether excluded from the limits of the bustee, or be shown, in any standard plan approved for the bustee under this chapter, as not being bustee land :

Provided that, if any such land is shown in such plan as a street or part of a street, the same shall, unless the General Committee otherwise direct, continue to be a private street, and shall be subject to the provisions of section 416, sub-section (2).

*Cleansing of Bustees.*

Ben. Act  
III. 1899,  
ss. 420-  
422.

**420. (1)** The General Committee may sanction the

Power to employ special establishment, and impose special rate, for cleansing of bustee. employment of a special establishment for the cleansing of any bustee, and when any such establishment has been sanctioned, the Corporation may impose on the owners of the bustee a rate to defray the cost of the establishment:

Provided that, without the consent of the owners, no such rate shall be imposed in respect of any remodelled bustee.

(2) Any rate imposed under sub-section (1) shall be recoverable in the manner provided by this Act for the recovery of the consolidated rate.

**421.** If any bustee for which no establishment is

Powers of General Committee in other cases to secure cleansing of bustee.

maintained under section 420 appears to the General Committee to be in a filthy condition, they may, by written notice, require the persons declared by section 417 to be occupiers to cleanse the bustee to the satisfaction of the Committee.

## CHAPTER XXVII.—LIGHTING.

Provision of lighting for public streets, markets, and buildings.

**422. (1)** The Chairman shall—

- (a) take measures for lighting in a suitable manner the public streets and municipal markets and all buildings vested in the Corporation ;
- (b) procure, erect, and maintain such number of lamps, lamp-posts, and other appurtenances as may be necessary for such lighting ; and
- (c) cause such lamps to be lighted by means of oil, gas, electricity, or such other light as the Corporation may from time to time determine.

(2) The Chairman may place and maintain electric wires for the purpose of lighting such lamps under, over,

Ben. Act  
III. 1899,  
ss. 423-  
425.

along, or across any immoveable property, and place and maintain posts, poles, standards, stays, struts, brackets, tunnels, culverts, and other contrivances for carrying, suspending, or supporting lamps or electric wires in or upon any immoveable property, without being liable to any claim for compensation thereanent :

Provided that such wires, posts, poles, standards, stays, struts, brackets, tunnels, culverts, and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person.

**423.** No person shall, without lawful authority, take away or wilfully break, throw down, or otherwise damage—  
Prohibition of removal, &c., of lamps, &c.

(a) any lamp, lamp-post, or lamp-iron set up in any public street or municipal market, or in or on any building vested in the Corporation,

(b) any electric wire for lighting any such lamp, or

(c) any post, pole, standard, stay, strut, bracket, or other contrivance for carrying, suspending, or supporting any such electric wire or lamp ;

and no person shall wilfully extinguish the light, or damage any appurtenance, of any such lamp.

**424.** If any person, through negligence or accident, breaks any lamp set up in or on any public street or municipal market or building vested in the Corporation, he shall pay the expenses of repairing the damage so done by him.  
Person breaking lamp to pay for repair.

**425.** (1) No gas-pipe shall be laid in a drain or on the surface of an open channel or house-gully.  
Gas-pipes how to be laid.

(2) Gas-pipes shall be laid at the greatest practicable distance from water-pipes, having regard to the width of the street ; and where the width of the street will allow of it, the said distance shall not be less than four feet.

(3) When it is necessary for a gas-pipe to cross a water-pipe, the gas-pipe shall, if practicable, be laid above the water-pipe.

Ben. Act  
III. 1899,  
s. 426.

(4) A gas-pipe so laid shall be at least nine feet in length, and, as nearly as the situation will admit of, shall be so placed as to form with the water-pipe a right angle, and so that no joint in the gas-pipe will be nearer to any water-pipe than four feet.

(5) The greatest practicable distance shall be kept between a water-pipe and a gas-pipe which crosses it; and the gas-pipe shall, throughout its entire length, be sufficiently bedded in with good sound clay or other fit material of a proper consistence, which shall be well worked and rammed into a trench all round the gas-pipe.

(6) If any gas pipe be laid in any way contrary to the provisions of this section, the Chairman may make such alteration with respect to such pipe as he may think necessary, and the expenses thereof shall be paid by the person under whose order or management the pipe has been laid.

**426.** (1) The Chairman may, whenever, for any of the purposes of this Act, it appears to him necessary to do so, by written notice require the owner of any gas-pipe or of any other gas-work laid in any street to raise, sink, or otherwise alter the situation of such pipe or work.

(2) Every alteration required to be made under subsection (1) shall be made at the charge of the municipal funds; and compensation shall be paid to the owner by the Chairman for the damage, if any, which he sustains by reason of such alteration.

(3) No alteration shall be made under this section which would prevent gas passing through any pipe or work as freely and conveniently as, having regard to all the requirements of this Act, is practicable.

Ben. Act  
III. 1899,  
ss. 427-  
429.

**427.** (1) Without the written permission of the Chairman, no railway or private street shall be constructed, and no building, wall, or other structure shall be newly erected, over any gas-pipe belonging to the Corporation.

(2) If any railway or private street be so constructed, or if any building, wall, or structure be so erected, the Chairman may cause the same to be removed or otherwise dealt with as he may think fit, and the expenses thereby incurred shall be paid by the person offending.

**428.** The Chairman shall, in the performance and exercise of the duties and powers imposed and conferred on him by this chapter, be subject to the control of the General Committee.

#### CHAPTER XXVIII.—SCAVENGING.

**429.** (1) The Chairman shall provide or appoint, in proper and convenient situations, public receptacles, dépôts, and places for the temporary deposit or final disposal of rubbish, offensive matter, sewage, and the carcasses of dead animals:

Provision or appointment of receptacles, dépôts, and places for deposit or disposal of rubbish, offensive matter, sewage, and carcasses.

Provided as follows:—

(i) the said things shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the Corporation, or in any place or manner which the Local Government may disallow;

(ii) the powers conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

(2) Any land that may be required in a bustee for the temporary deposit or final disposal of rubbish, offensive

matter, sewage, or carcasses taken from buildings or land in such bustee, shall be provided by the owners of the bustee.

Ben. Act  
III. 189,  
s. 430.

**430.** (1) The Chairman may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter of Calcutta specified in the notice shall be collected by the occupier of such premises, and deposited in a box or basket, of a kind prescribed by the Chairman, to be provided by such occupier, and kept at or near the entrance to the premises.

Collection and temporary deposit of rubbish and offensive matter by occupiers of premises.

(2) The Chairman may cause public dust-bins or other convenient receptacles to be provided at suitable intervals, and in proper and convenient situations, in streets or quarters in respect of which no notice issued under sub-section (1) is for the time being in force,

and may, by public notice, direct that all rubbish and offensive matter accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by the occupier of such premises, and deposited in such receptacle.

(3) The Chairman may, by public notice, direct that all rubbish and offensive matter, accumulating in any premises in any street or quarter in respect of which no notice issued under sub-section (1) or sub-section (2) is for the time being in force, shall be collected by the occupier of such premises, and deposited in lump in the street on which such premises abut, or in some portion of such premises.

(4) In any notice issued under any of the foregoing sub-sections, the Chairman shall prescribe the hours within which rubbish and offensive matter must be deposited as aforesaid.

(5) In the exercise of his powers under this section, the Chairman shall be subject to the control of the General Committee.

Ben. Act  
III. 1899,  
ss 431,  
432.

**431.** When any premises are used for carrying on any manufacture, trade, or business in the course of which rubbish or offensive matter is accumulated in quantities which are, in the opinion of the Chairman, too considerable to be deposited in any of the methods prescribed by notice issued under section 430, the Chairman may,—

Collection and removal of rubbish and offensive matter accumulating on business premises.

- (a) by written notice, direct the occupier of such premises to collect all rubbish and offensive matter accumulating on such premises, and to remove the same, at such times, in such carts or receptacles, and by such routes, as may be specified in the notice, to a public receptacle, dépôt, or place provided or appointed under section 429; or,
- (b) after giving such occupier written notice of his intention so to do, himself cause all rubbish and offensive matter accumulating in such premises to be removed, and charge such occupier for such removal such periodical fee as may, with the sanction of the General Committee, be specified in such notice.

**432.** For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Chairman shall take measures for securing—

Chairman to provide for cleansing of streets and removal of rubbish, &c.

- (a) the daily surface-cleansing of all streets and the removal of the sweepings therefrom, and
- (b) the removal of—
  - (i) the contents of all receptacles and dépôts, and the accumulations at all places provided or appointed by him under section 429 for the temporary deposit of any of the things specified in that section, and
  - (ii) all things deposited by occupiers of premises in pursuance of any notice issued under section 430.

**433.** All things deposited in receptacles, depôts, or Rubbish, &c., to be places provided or appointed under the property of the section 429 shall be the property of the Corporation.

Ben. Act  
III. 1899,  
ss. 433-  
436.

**434.** In cases not provided for by any notice issued under section 431, the Chairman shall Removal of sewage and offensive matter. from time to time, with the sanction of the General Committee, prescribe—

- (a) the hours within which sewage and offensive matter may be removed,
- (b) the kind of cart or other receptacle in which sewage or offensive matter may be removed and
- (c) the route by which such carts or other receptacles shall be taken.

**435.** The Corporation shall maintain an establishment under the control of the Chairman for the removal of sewage from privies and urinals. Establishment for removal of sewage from privies and urinals.

**436. (1)** No person who is bound, by any notice issued under section 430 or section 431, to collect and deposit or remove rubbish and offensive matter accumulating on premises occupied by him, shall allow the same so to accumulate for more than twenty-four hours. Prohibition of—allowing rubbish or offensive matter to accumulate on premises for more than 24 hours;

**(2)** No person shall deposit any rubbish or offensive matter otherwise than as prescribed in a notice issued under section 430. irregular depositing of rubbish or offensive matter;

**(3)** No person shall remove sewage or offensive matter otherwise than to a receptacle, depôt, or place provided or appointed for the purpose under section 429, or otherwise than as prescribed under section 434. irregular removal of sewage or offensive matter;

Ben. Act  
III. 1899,  
ss. 437-  
439.

(4) No person shall throw or place any rubbish, offensive matter, or sewage in any place not provided or appointed for the purpose under section 429, or in any way contrary to any direction given under section 430.

(5) No owner or occupier of any building or land shall allow any filthy matter to flow, soak, or be thrown therefrom, or shall keep, or suffer to be kept, anything therein or thereupon so as to be a nuisance, or shall negligently suffer any privy-receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

**437.** If in any case it is shown that rubbish, offensive matter, or sewage has been thrown or placed in any place in contravention of sub-section (4) of section 436 from some building or land, it shall be presumed, until the contrary is proved, that the offence has been committed by the occupier of the said building or land.

**438.** No mehter or other servant of the Corporation, who is employed to remove or otherwise deal with sewage, offensive matter, or rubbish, shall, without the permission of the Chairman, withdraw from his duties without giving written notice, not less than one month previously, of his intention so to withdraw.

## CHAPTER XXIX.—INSPECTION AND REGULATION OF PREMISES.

**439.** (1) The Chairman may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

(2) If a building (not being a students' hostel) is used as a public lodging-house, or is let out in rooms to one

hundred or more lodgers, such inspection may be made at any time of the day or night.

Ben. Act.  
III. 1899,  
ss. 440-  
442.

**440.** If it appears to the Chairman necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected to cause the same or any portion thereof to be limewashed or otherwise cleansed, either externally or internally, or both externally and internally.

Power to require cleansing and lime-washing of building.  
Securing, enclosing, cleansing, or clearing of building or land which is untenanted, filthy, or a nuisance.

**441.** If any building or land,—

- (a) by reason of abandonment or disputed ownership, or for any other reason, remains untenanted, and thereby becomes a resort of idle and disorderly persons, or
- (b) is in a filthy or unwholesome state, or
- (c) is complained of by any two or more of the neighbours as a nuisance,

the General Committee, after due inquiry, may give written notice to the owner, if he be known and resident in Calcutta, or to any person who is known or believed to claim to be the owner, if such person be resident in Calcutta, and shall also affix a copy of the said notice on the door of the building, or on some conspicuous part of the land, requiring the said owner or the persons concerned in the building or land, whoever they may be, to secure, enclose, clean, or clear the same.

**442.** (1) If any building or anything affixed thereto be deemed by the Chairman to be in a ruinous state, or likely to fall or to be in any way dangerous, he shall immediately, if it appears to him to be necessary so to do, cause a proper hoard or fence to be

Taking down, repair, or securing of building or fixture in a ruinous state, &c.

**Ben. Act** put up for the protection of passengers, and shall then  
**III. 1899,** cause a written notice to be served on the owner, if he be  
**ss. 443,** known and resident in Calcutta, and also to be put on  
**444.** some conspicuous part of the building, or served on the  
 occupiers (if any) thereof, requiring such owner or occupier  
 forthwith to take down, repair, or secure such building or  
 thing, as the case may require.

(2) The provisions of section 352, sub-sections (1) and (3), shall apply in the case of buildings taken down or repaired under sub-section (1).

**443.** (1) If any building, or any part of a building, be taken down under section 597 in pursuance of a notice issued under section 441 or section 442, the Chairman may sell the materials, and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, restore to the owner any surplus arising from such sale.

(2) For compelling the payment of so much of the said expenses as may remain due after applying the sale-proceeds as aforesaid, the Chairman shall have the same remedies as are by this Act given to him for compelling the payment of the whole of the said expenses.

**444.** (1) If, for any reason, any building, intended for, or used as, a dwelling-place, appears to the Chairman to be unfit for human habitation, he may apply to a Magistrate to prohibit the further use of such building for such purpose; and the Magistrate, after such inquiry as he thinks fit to make, may, by written order, make a prohibition as aforesaid, or may pass such other order as he may deem just and proper.

(2) When any such prohibition has been made, no owner or occupier of such building shall use or suffer the same to be used for human habitation until the Chairman certifies in writing that the causes rendering it unfit for

human habitation have been removed to his satisfaction, or a Magistrate, by written order, withdraws the prohibition aforesaid.

Ben. Act  
111. 1899;  
ss. 445,  
446.

**445. (1)** If it appears to the Chairman that any dwelling-house, or any public building or hut which is used as a dwelling-place, or any room in any such house, public building, or hut, is so over-

Abatement of over-crowding in dwelling-house or dwelling-place.

crowded as to endanger the health of the inmates thereof, he may apply to a Magistrate to abate such overcrowding; and the Magistrate, after such inquiry as he thinks fit to make, may, by written order, require the owner of the building or room, within a reasonable time, not exceeding four weeks, to be prescribed in the said order, to abate such overcrowding by reducing the number of lodgers, tenants, or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(2) The General Committee may, by written order, declare what amount of superficial and cubic space shall be deemed, for the purposes of sub-section (1), to be necessary for each occupant of a building or room.

(3) If the owner of any building or room referred to in sub-section (1) has sub-let the same, the landlord of the lodgers, tenants, or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger, or other inmate of a building or room to vacate on being required by the owner so to do in pursuance of any requisition made under sub-section (1).

**446. (1)** Whenever the General Committee consider—  
Further powers with reference to over-crowded buildings.

(a) that any building is, by reason of its having no plinth, or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation, or by reason of the

Ben. Act  
III. 1899,  
s. 447.

impracticability of cleansing, attended with risk of disease to the occupiers thereof, or to the inhabitants of the neighbourhood, or is, for any reason, likely to endanger the public health or safety, or

- (b) that any block of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

they may cause a written notice to be fixed to some conspicuous part of the building or block, requiring the owners or occupiers thereof, or, at the option of the Committee, the owners of the land occupied by such building or block, to execute such works, or take such measures, as the Committee may deem necessary for the prevention of such risk.

(2) Where any building in respect of which a notice has been issued under sub-section (1) is demolished in pursuance of an order made by a Magistrate under section 450, the Corporation shall make reasonable compensation to the owner thereof.

**447.** (1) When any well, tank, or marshy ground, or Filling-up, &c., of any waste or stagnant water, whether unwholesome wells, within any private enclosure or not, &c. appears to the Chairman to be injurious to health or offensive to the neighbourhood, he may, by written notice, require—

- (a) the occupier of the building or land to which such well pertains, or

- (b) the owner of such tank, ground, or water,

to cleanse or fill up such well, tank, or ground with suitable material, or to de-water the same, or to drain off or remove such water.

(2) If the Chairman, in exercise of the powers conferred by section 597, executes any work referred to in a notice issued under sub-section (1) of this section, and if

the person liable to pay the expenses of such work fails to pay the same, the Chairman may—

Ben. Act  
III. 1899,  
s. 448.

(i) lease any part of the land used in connection with the said well, tank, or water, or any part of the said ground, as the case may be, or

(ii) retain possession of such land or tank, or the site of such tank or ground, and utilise the same for public purposes.

(3) If the said expenses be paid by an occupier of land, he may deduct the same from any rent due to the owner of the land.

(4) An appeal shall lie to the General Committee from any notice issued, or other action taken, by the Chairman under this section, and their decision shall be final.

**448.** (1) The Corporation, at the instance of the Regulation of excavations. General Committee, may, by a general order, or by an order to affect such portion of Calcutta as may be specified therein, prohibit—

(a) the making of excavations for the purpose of taking earth therefrom or of storing rubbish or offensive matter therein, and

(b) the digging of cesspools, tanks, wells, or pits, without the special permission of the Chairman.

(2) Every such order shall be published in the Calcutta Gazette.

(3) No person shall make any excavation as aforesaid, or dig any cesspool, tank, well, or pit, in contravention of any such order.

(4) If any such excavation, cesspool, tank, well, or pit is made after the publication of any such order, and without the permission required thereby, the General Committee may, by written notice, require the owner and occupier of the land on which the same is made to fill it up with earth or other material approved of by them.

Ben. Act  
III. 1899,  
s. 449.

(5) If default be made in complying with any such notice, the General Committee may cause the work to be executed, and half the expense thereby incurred shall be paid by the owner, and half by the occupier, of the land.

### CHAPTER XXX.—DEMOLITION, ALTERATION, AND STOPPING OF WORK.

Demolition or alteration of building work unlawfully commenced, carried on, or completed.

**449.** If the General Committee are satisfied—

(1) that the erection or re-erection of any building—

(a) has been commenced without obtaining the permission of the Chairman, or (where an appeal or reference has been made to the General Committee) in contravention of any orders passed by the General Committee, or

(b) is being carried on or has been completed otherwise than in accordance with the particulars on which such permission or orders was or were based, or

(c) is being carried on or has been completed in breach of any provision contained in this Act or in any rules or bye-laws made hereunder, or of any direction or requisition lawfully given or made under this Act or such rules or bye-laws, or

(2) that any alterations required by any notice issued under section 383 have not been duly made, or

(3) that any alteration of, or addition to, any building or any other work made or done for any purpose in, to, or upon any building, has been commenced, or is being carried on or has been completed, in breach of section 391, section 402, or section 403,

the General Committee may apply to a Magistrate, and such Magistrate may make an order—

Ben. Act  
III. 1899,  
s. 450.

- (i) directing that the work done, or so much of the same as has been unlawfully executed, be demolished by the owner of the building, or altered by him to the satisfaction of the Committee, as the case may require, or
- (ii) directing that the work done, or so much of the same as has been unlawfully executed, be demolished or altered by the Chairman at the expense of the owner of the building :

Provided that the Magistrate shall not make any such order without giving the owner and occupier full opportunity of adducing evidence, and of being heard in defence.

Demolition or alteration of work in other cases.

**450.** In any of the following cases, namely,—

- (1) if, within the period prescribed in any notice issued under section 340, sub-section (5), requiring the owner or occupier of a building to comply with any condition on which the putting up of any verandah or other projection was permitted, such condition is not complied with, or
- (2) if, within the period prescribed in any notice issued under section 340, sub-section (6), requiring the owner or occupier of a building to remove a verandah or other projection, the same be not duly removed, or
- (3) if, within the period prescribed in any notice issued under section 341, sub-section (1), requiring the removal or alteration of a fixture, the fixture be not duly removed or altered, or
- (4) if the General Committee decide that any additions made to a building or wall in pursuance of an agreement executed under the proviso to section 351 ought to be removed, or

Ben. Act  
III. 1899,  
s. 451.

- (5) if, within the period prescribed in any notice issued under section 368, sub-section (2), requiring the owner of a building to remove or alter an external roof or wall made of inflammable material, the same be not duly removed or altered, or
- (6) if any owners or occupiers neglect to execute any works, or take any measures, required by any notice affixed under section 446, sub-section (1), or
- (7) if any privy be placed in contravention of rule 1 or sub-rule (1) of rule 2 of Schedule XVI., or
- (8) if any person, after erecting a service-privy authorized under the proviso to sub-rule (1) of rule 2 of Schedule XVI., fails to pay any sum required under that proviso,

the General Committee may apply to a Magistrate, and such Magistrate may make an order directing that the projection, fixture, additions, roof, wall, buildings, or privy, as the case may be,—

- (a) be demolished by the owner, or altered by him to the satisfaction of the Committee, or
- (b) be demolished or altered by the Chairman at the expense of the owner :

Provided that the Magistrate shall not make any such order without giving the owner and occupier full opportunity of adducing evidence, and of being heard in defence.

**451.** (1) In any case in which the erection or re-erection of a building, or any other work referred to in section 449, has been unlawfully commenced or is being unlawfully carried on, the General Committee or the Chairman may, by written notice, require the person carrying on the work to

Power of General Committee or Chairman to stop progress of building work unlawfully commenced or carried on.

stop the same pending the decision of a Magistrate on an application to be made to him under that section.

Ben. Act  
III. 1899,  
ss. 452.  
455.

(2) If any work be carried on upon any premises in contravention of a notice issued under sub-section (1), any person directing or carrying on such work may, under the orders of the Chairman, be removed from the premises by any police-officer.

**452.** When any person is liable to be directed to demolish work, and to pay a fine, under this Act, both those directions may be given at the discretion of the Magistrate.

# CHAPTER XXXI.—KEEPING OF ANIMALS AND DISPOSAL OF CARCASSES.

Prohibitions as to keeping animals.

**453.** No person shall,—

- (a) without the written permission of the Chairman, or otherwise than in conformity with the terms of such permission, keep any swine in any part of Calcutta ;
- (b) keep any animal on his premises so as to be a nuisance or dangerous ; or
- (c) feed any animal, or suffer or permit any animal to be fed or to feed, with or upon sewage or offensive matter.

**454.** Any swine found straying may be forthwith destroyed, and the carcasses thereof disposed of as the Chairman may direct ; and no claim shall lie for compensation for any swine so destroyed.

Power to prevent keeping of milch-cattle in particular areas for supplying milk by sale.

**455.** (1) The Corporation, at the instance of the General Committee, may give public notice of their intention to declare—

- (a) that, in any area specified in the notice, no person shall keep milch-cattle for the purpose of supplying milk for sale, and

Ben Act  
III. 1899,  
s. 456.

(b) that all milch-cattle kept in such area for such purpose must be removed from such area within a period, not being less than three weeks nor more than six months, to be specified in such notice.

(2) No objections to any such declaration shall be received after a period of one month from the publication of such notice.

(3) The General Committee shall consider all objections received within the said period, and shall then report to the Corporation, who may thereupon make a declaration in accordance with the notice published under sub-section (1).

(4) Every such declaration shall be published in the Calcutta Gazette, and shall take effect from the date of such publication.

(5) No person shall, in any area specified in any such declaration, keep milch-cattle for the purpose of supplying milk for sale.

(6) All milch-cattle kept in any such area for the said purpose must be removed therefrom within the period specified in that behalf in such declaration.

**456.** (1) All stables, cattle-sheds, and cow-houses, shall be under the survey and control of the General Committee as regards their site, construction, materials, and dimensions.

(2) The General Committee may, by written notice, require that any stable, cattle-shed, or cow-house be altered, paved, repaired, or kept in such a state as to admit of its being sufficiently cleaned, or be supplied with water, or be connected with a sewer, or be demolished.

(3) Every such notice shall be addressed to the owner of the building or land to which the stable, cattle-shed, or cow-house belongs, or for the use of the occupants of which the same was constructed or is continued.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the said owner.

**457.** If any stable, cattle-shed, or cow-house, is not constructed or maintained in the manner prescribed by or under this Act, the General Committee may, by written notice, direct that the same shall no longer be used as a stable, cattle-shed, or cow-house.

Ben. Act  
III. 1899,  
ss. 457,  
458.

Power to direct discontinuance of use of building as a stable, cattle-shed, or cow-house.

**458.** (1) The occupier of any premises in or upon which any animal dies, or upon which the carcass of any animal is found, and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of the animal, or, if the death occurs at night, within three hours after sunrise, either—

Removal of carcasses of animals.

(a) remove the carcass, or cause it to be removed, to some depôt or place provided or appointed by the Chairman under section 429 for the temporary deposit or final disposal of carcasses, or

(b) report the death of the animal, or cause the same to be reported, to the proper officer of the Corporation, with a view to the removal of the carcass.

(2) When any carcass is removed in pursuance of clause (b) of sub-section (1), a fee for the removal, of such amount as may be fixed by the Corporation, shall be paid by the owner of the animal, or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the animal died.

(3) No person shall remove, or cause to be removed, the carcass of any animal—

(i) otherwise than to a depôt or place provided or appointed for the purpose under section 429, or

(ii) in such a manner as to create a nuisance.

Ben. Act III. 1899, ss. 459-461. (4) The word "animal" in this section includes an elephant, camel, horse, mule, donkey, horned beast, sheep, pig, or other large animal.

## CHAPTER XXXII.—REGULATION OF PUBLIC BATHING AND WASHING.

**459.** The Chairman may, from time to time, set apart suitable places vesting in the Corporation for use by the public for bathing, for washing animals, or for drying clothes, and may from time to time, by public notice, prohibit the use by the public for any of the said purposes, of any place not vesting in the Corporation.

Regulation of use of public bathing-places, &c.

**460.** (1) The Chairman may, by public notice, regulate the use by the public of—

- (a) any place vesting in the Corporation which is set apart by him for any purpose under section 459, and
- (b) any place not vesting in the Corporation which is used with his acquiescence for any purpose mentioned in that section.

(2) In the case of any place set apart or assigned for bathing, the Chairman may, in the said notice, prescribe the places of bathing for persons of each sex.

Prohibition of bathing, &c., contrary to order or notice.

**461.** (1) Except as permitted by an order or notice issued under section 459 or section 460, no person shall—

- (a) bathe in or near any tank, reservoir, fountain, cistern, duct, stand-post, stream, well, or other source of water-supply, or in any place vesting in the Corporation;
- (b) wash or cause to be washed, in or near any such source or place, any animal, clothing, or other article;

(c) throw, put, or cause to enter into the water in any such source or place any animal or other thing; Ben. Act  
III. 1899,  
ss. 462,  
463.

(d) cause or suffer to drain into or upon any such source or place, or to be brought thereinto or thereupon, anything, or do anything, whereby the water may be in any degree fouled or corrupted; or

(e) dry clothes in or upon any such place.

(2) No person shall,—

(i) in contravention of any prohibition made by the Chairman under section 459, use, for any purpose mentioned in that section, any place not vesting in the Corporation, or

(ii) contravene any notice issued by the Chairman under section 460 for regulating the use of any place for any such purpose.

Prohibition of foul-  
ing of water by cer-  
tain acts.

**462.** No person shall—

(a) steep in any tank, reservoir, stream, well, or ditch, any animal, or any vegetable or mineral matter which is likely to render the water thereof offensive or dangerous to health; or,

(b) while suffering from any contagious or loathsome disease, bathe on, in, or near any bathing platform, tank, reservoir, fountain, cistern, duct, stand-post, stream, or well.

### CHAPTER XXXIII.—REGULATION OF FACTORIES, TRADES, &c.

**463.** (1) No person shall, without the previous written permission of the Chairman, new-

Factory, &c., not to  
be newly established  
without permission of  
the Chairman.

ly establish in any premises any factory, workshop, or workplace in which it is intended to employ steam, water,

or other mechanical power.

Ben. Act  
III. 1879,  
s. 464.

(2) The Chairman may refuse to give such permission if he is of opinion that the establishment of such factory, workshop, or workplace in the proposed position would be objectionable by reason of the density of the population in the neighbourhood thereof, or would be a nuisance to the inhabitants of the neighbourhood.

Sanitary regulation of factories, bake-houses, &c., and prevention of danger from machinery.

**464.** (1) Whenever it appears to the Chairman that any factory, bake-house, workshop, or workplace, or any other building or place, is not kept in a cleanly state,

or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, dust, or other impurity generated in the course of the work carried on therein which is a nuisance,

or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein,

or that any engine, mill-gearing, hoist, or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb,

the Chairman may, by written notice, require the owner of such factory, bakehouse, workshop, workplace, or other building or place to take such order as the Chairman considers necessary for putting and maintaining the same in a cleanly state, or for ventilating the same, or for preventing the same from being overcrowded, or for preventing danger to life or limb from any engine, mill-gearing, hoist, or other machinery therein.

(2) Nothing in sub-section (1) shall affect Bengal Act III. of 1879 (*an Act to provide for the periodical inspection of steam-boilers and prime-movers attached thereto in the town and suburbs of Calcutta and in Howrah*), and nothing in this section which relates to the fixing or fencing of any engine, mill-gearing, hoist, or other machinery, shall apply

Ben. Act  
III. 1899,  
ss. 465,  
466.

to any factory to which the Indian Factories Act, 1881,\* is applicable.

**465.** (1) No person shall, without the written permission of the Chairman, use or employ in any factory or any other place any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed.

(2) The Chairman may at any time, on giving one month's written notice, revoke any permission given under sub-section (1):

Provided that no notice need be given if the Chairman suspends or revokes any such permission for any reason specified in section 586, sub-section (3).

**466.** (1) No person shall use or permit to be used any premises for any of the purposes herein below referred to or mentioned, without or otherwise than in conformity with the terms of a license granted by the Chairman in this behalf, that is to say—

(a) any of the purposes specified in Schedule XVIII.;

(b) any purpose which is, in the opinion of the Chairman, dangerous to life, health, or property, or likely to create a nuisance;

(c) keeping horses, cattle, or other four-footed animals for sale or hire, or for sale of the produce thereof; or

(d) storing, for other than domestic use, or selling, timber, firewood, charcoal, coal, coke, ashes, hay, grass, straw, or any other combustible thing.

(2) Every person to whom a license is granted by the Chairman to use any premises for any of the purposes referred to or mentioned in sub-section (1) shall keep affixed,

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\* Act XV. of 1881.

Ben. Act  
III. 1899,  
ss. 467,  
468.

in a conspicuous part of the said premises, a board upon which shall be legibly written in English, and also in Bengali or Urdu, the following particulars, namely—

- (i) the licensee's name ;
- (ii) the purpose for which, and the limitations and conditions subject to which, the license is granted ; and
- (iii) any other details relating to the license or the terms thereof which the Chairman from time to time thinks fit to require.

(3) When any premises in the occupation of a lessee are used for any of the purposes referred to or mentioned in sub-section (1), the lessor shall be presumed, unless the contrary is proved, to have permitted their use for such purpose.

(4) Nothing in the foregoing sub-sections shall apply to mills for spinning or weaving cotton, wool, silk, or jute.

**467.** The Corporation shall fix a scale of fees to be paid in respect of premises licensed under section 466 :

Provided that no fee shall exceed five hundred rupees, or be less than the amount otherwise payable for a trade or profession license under Schedule II.

Appeal to General  
Committee.

**468.** (1) An appeal shall lie to the General Committee from—

- (a) any refusal by the Chairman to grant a written permission under section 463 or a license under section 466, and
- (b) any notice issued by the Chairman under section 464.

(2) The decision of the General Committee on any such appeal shall be final.

(3) When an appeal has been preferred from any notice issued under section 464, the notice must, pending the decision of the appeal, be obeyed.

**469.** (1) The Corporation, at the instance of the General Committee, may give public

Power to prevent use of premises in particular areas for purposes referred to or mentioned in section 466.

notice of their intention to declare that, in any area specified in the notice, no person shall use any premises for any of the purposes referred

to or mentioned in section 466.

(2) No objections to any such declaration shall be received after a period of one month from the publication of such notice.

(3) The General Committee shall consider all objections received within the said period, and shall then report to the Corporation, who may thereupon make a declaration in accordance with the notice published under sub-section (1).

(4) Every such declaration shall be published in the Calcutta Gazette, and shall take effect from the date of such publication.

(5) No person shall, in any area specified in any such declaration, use any premises for any of the purposes referred to or mentioned in section 466.

**470.** (1) If it be shown to the satisfaction of the General Committee that the use of any

Power to direct discontinuance of use of premises for certain trades near dwelling-houses.

premises situated near dwelling-houses for any of the purposes referred to or mentioned in section 466 (except as cow-houses or stables) is injurious to

the health or material comfort of the occupants of such houses, or

if any premises situated within fifty feet of a dwelling-house are used for any of the said purposes (except as aforesaid), or

if the owners of any buildings situated within one hundred feet of any premises used for any of the said purposes (except as aforesaid) make an application to the General Committee in this behalf, and deposit with the Corporation the sum required for purchasing or acquiring the said premises, as estimated by the Chairman, and also

Ben. Act  
III. 1899,  
ss. 469,  
470.

**Ben. Act III, 1899, ss. 471, 472.** undertake to pay any further expenses to which the Corporation may be put,

the General Committee may, by written notice, require the occupier of such premises to discontinue such use within one month after the service of the notice.

(2) When the use of any premises for any of the purposes aforesaid has been discontinued in pursuance of such a notice, no compensation shall be payable for loss arising from such discontinuance, but the Corporation shall be bound to purchase both the land and the building from the owner; and, if the Corporation are unable to agree with the owner as to the price to be paid, the land and buildings may be acquired under the Land Acquisition Act, 1894.\*

**471.** Whenever a Magistrate imposes a fine on any

Power to direct discontinuance of use of premises for particular purpose, when kept so as to be a nuisance.

person under section 574 for using or permitting the use of any premises for any purpose in contravention of subsection (1) of section 466, he may, if it is proved to his satisfaction that such premises are kept in such a state as to

be a nuisance, direct that they shall no longer be used for the said purpose.

Prohibition of fouling of water in carrying on trade or manufacture.

**472. (1)** No person engaged in any trade or manufacture specified in Schedule XVIII, shall—

(a) wilfully cause or suffer to flow or be brought, into any tank, reservoir, cistern, well, duct, or other place for water belonging to the Corporation, or into any drain or pipe communicating therewith, any washing or other substance produced in the course of such trade or manufacture; or

(b) wilfully do any act connected with any such trade or manufacture whereby the water in

any such tank, reservoir, cistern, well, duct, or other place for water is fouled or corrupted.

Ben. Act  
III. 1899,  
s. 473.

(2) The Chairman may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes, or conduits connected with any such manufacture or trade as aforesaid, lay open and examine the said works, pipes, or conduits.

(3) If, upon such examination, it appears that sub-section (1) has been contravened by reason of anything contained in or proceeding from the said works, pipes, or conduits, the expenses of such laying open and examination, and of any measure which the Chairman, in his discretion, may require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes, or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the said sub-section has been contravened.

(4) But, if it appears that there has been no contravention of the said sub-section, the said expenses, and compensation for any damage occasioned by the said laying open and examination, shall be paid by the Chairman.

Inspection of premises used for manufactures, &c.

**473.** (1) The Chairman may, at any time by day or by night, without notice, enter into or upon—

(a) any premises used for any of the purposes referred to or mentioned in section 466,

(b) any premises in which a furnace is employed for the purpose of any trade or manufacture, or

(c) any bake-house,

in order to satisfy himself as to whether any provision of this Act or any bye-law made under section 559 at the

**Ben. Act**  
**III. 1899,**  
**ss. 474-**  
**476.**

time in force, or any condition of any license granted under this Act, is being contravened, or as to whether any nuisance is being created upon such premises.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry, or by the use of any force necessary for effecting such entry:

Provided that force shall not be used for effecting an entry unless when there is reason to believe that an offence is being committed against some provision of this Act or some bye-law made under section 559.

**474.** The Corporation may construct or provide and maintain public wash-houses for the washing of clothes.

**475.** If a sufficient number of public wash-houses be not maintained under section 474, the Chairman shall provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use of any such place as may, from time to time, be determined by the Chairman with the approval of the General Committee.

**476.** (1) The Chairman may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling except at public wash-houses maintained under section 474, or places provided under section 475, or such other places as he may appoint for the purpose.

(2) When any such prohibition has been made, no person who is, by calling, a washerman shall wash clothes at any place other than a public wash-house maintained under section 474, or a place provided under section 475, or a place appointed under sub-section (1) of this section, except for such person himself, or for the owner or occupier of such place.

CHAPTER XXXIV.—MARKETS, BAZARS, AND SLAUGHTER-PLACES.

Ben. Act  
III. 1899,  
ss. 477-  
479.

Provision and maintenance of municipal markets and municipal slaughter-houses.

**477.** (1) The Chairman, when authorized by the Corporation in this behalf, may—

(a) construct, purchase, or take on lease any building or land for the purpose of establishing a new municipal market or a new municipal slaughter-house, or of extending or improving any existing municipal market or municipal slaughter-house, and

(b) from time to time build and maintain such municipal markets and municipal slaughter-houses, and such stalls, shops, sheds, pens, and other buildings or conveniences for the use of persons carrying on trade or business in or frequenting such municipal markets or municipal slaughter-houses, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales, and measures for weighing and measuring goods sold therein, as he thinks fit.

(2) Municipal slaughter-houses may be situated within, or, with the sanction of the Local Government, without, Calcutta.

**478.** The Chairman may, with the sanction of the Corporation, at any time close any municipal market or municipal slaughter-house ; and the premises occupied for any market or slaughter-house so

Power to close municipal markets and municipal slaughter-houses.

closed may be disposed of as the property of the Corporation.

**479.** (1) No person shall, without a license from the

Prohibition of sale in municipal market without license.

Chairman, sell or expose for sale any animal or article in any municipal market.

Ben. Act  
III. 1899,  
ss. 480,  
481.

(2) Any person contravening sub-section (1) may be summarily removed by the Chairman or by any municipal officer or servant.

**480.** (1) The Corporation shall from time to time determine whether the establishment of new private markets shall be permitted in Calcutta or in any specified portion thereof.

(2) No person shall establish a new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any other article of human food, except with the sanction of the Corporation.

(3) When the establishment of a new private market has been so sanctioned, the Chairman shall cause a notice of such sanction to be affixed, in the English, Bengali, and Urdu languages, on some conspicuous spot on or near the building or place where such market is to be held.

**481.** (1) No person shall, without or otherwise than in conformity with the terms of a license granted by the Chairman in this behalf,—

- (a) keep open a private market ;
- (b) use any place in Calcutta as a slaughter-house, or for the slaughtering of any animal intended for human food ; or
- (c) use any place without Calcutta, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in Calcutta :

Provided as follows—

(i) the Chairman shall not refuse, suspend, or cancel any license for keeping open a private market—

for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some regulation made under section 488, or with some bye-law

made under section 559, at the time in force, or

Ben. Act  
III. 1899,  
s. 482.

without the approval of the Corporation ;

(ii) nothing in the foregoing provisions of this section shall be deemed to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony ;

(iii) nothing in the foregoing provisions of this section shall be deemed to prevent the Chairman, acting with the sanction of the Corporation, from setting apart places for the sacrifice of animals in accordance with religious custom, and for the sale of the flesh thereof ;

(iv) nothing in the foregoing provisions of this section shall apply to any market which has been registered under section 6 of the Calcutta Markets Act, 1871.\*

(2) There shall be paid for every license granted under sub-section (1), and in respect of every place set apart under proviso (iii) to that sub-section, such fee as may be prescribed by the Corporation.

(3) If any private market or any place set apart under proviso (iii) to sub-section (1) be closed for more than half of any year for which a fee has been paid under sub-section (2), the Chairman may refund the whole or any portion of the fee so paid for that year.

(4) When the Chairman has refused, suspended, or cancelled any license to keep open a private market, he shall cause a notice of his having so done to be affixed, in the English, Bengali, and Urdu languages, on some conspicuous spot on or near the building or place where such market has been held.

**482.** No person shall wilfully or negligently permit

Prohibition of unauthorized use of place as a private market.

any place (not being a market which has been registered under section 6 of the Calcutta Markets Act, 1871\*), to be

\* Ben. Act VIII. of 1871.

Act  
III. 1899,  
ss. 483-  
485.

used as a private market unless a license has been granted therefor under section 481, and is at the time in force.

**483.** Whenever a Magistrate imposes a fine on any person under section 574 for keeping open a private market, or permitting any place to be used as a private market in contravention of section 481, sub-section (1), or section 482, he shall, on the application of the Chairman, but not otherwise, direct that such market be closed, and appoint persons or take other steps to prevent the place being used as a market.

**484** No person shall sell or expose for sale any meat, fish, fruit, or vegetables in any place in respect of which a direction has been given by a Magistrate under section 483.

**485.** (1) The Chairman may, by written notice, require the owner, farmer, or occupier of any private market, bazar, private slaughter-house, or place set apart for sacrifice of animals, apart under proviso (iii) to section 481,—

(a) to cause the whole or any portion of the floor of the market-building, market-place, bazar, slaughter-house, or place set apart as aforesaid, to be paved with dressed stone or other suitable material, and

(b) to cause such drains to be made in or from the market-building, market-place, bazar, slaughter-house, or place set apart as aforesaid, of such material, size, and description, at such level, and with such outfall, as to the Chairman may appear necessary.

(2) An appeal shall lie to the General Committee from any notice issued by the Chairman under sub-section (1), and their decision shall be final.

Ben. Act  
III. 1899,  
ss. 486-  
488.

Power to fix limits of private market or bazar.

**486.** (1) The Chairman, with the sanction of the Corporation, may, by written notice,—

- (a) define or determine the limits of any private market or any bazar, or
- (b) declare what portions of any private market or any bazar shall be made part of the existing approaches, roads, paths, and ways to or in such market or bazar, for the convenience of persons resorting to the market or bazar.

(2) Every such notice shall be affixed, in the English, Bengali, and Urdu languages, on some conspicuous spot in or near the market or bazar to which it relates.

Power to require setting out, &c., of approaches, roads, paths, and ways to or in private market or bazar.

**487.** The Chairman, with the sanction of the Corporation, may, by written notice, require the owner or lessee of any private market or any bazar—

- (a) to execute all works and take all measures which the Chairman may consider necessary for setting out, clearing, or widening approaches, roads, paths, and ways to or in such market or bazar in pursuance of any declaration made under section 486, clause (b), or
- (b) to maintain in proper order the approaches, roads, paths, and ways to or in such market or bazar, or
- (c) to alter, to the satisfaction of the Chairman, any of the said approaches, roads, paths, or ways.

**488.** The Chairman may, with the approval of the Corporation, make regulations, not inconsistent with any provision of this Act or of any bye-law made under section 559 at the time in force,—

Power of Chairman to make regulations for markets, bazars, slaughter-houses, and places set apart for sacrifice of animals.

Ben. Act  
III, 1899,  
s. 489.

- (a) for preventing nuisances or obstruction in any market-building, market-place, bazar, or slaughter-house, or in the approaches thereto, or in any of the roads, paths, or ways in any market or bazar ;
- (b) fixing the days and the hours on and during which any market, bazar, or slaughter-house may be held or kept open for use ;
- (c) for keeping every market-building, market-place, bazar, slaughter-house, and place set apart under proviso (iii) to section 481 in a cleanly and proper state, and for removing filth and refuse therefrom ;
- (d) requiring that any market-building, market-place, bazar, slaughter-house, or place set apart as aforesaid be properly ventilated, and be provided with a sufficient supply of water, and
- (e) requiring that, in market-buildings, market-places, and bazars, passages be provided between the stalls of sufficient width for the convenient use of the public.

Levy of charges in  
municipal markets and  
municipal slaughter-  
houses.

#### 489. The Chairman may—

- (a) charge, for the occupation or use of any stall, shop, standing, shed, or pen in a municipal market or municipal slaughter-house, and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any municipal market, and for the right to slaughter animals in any municipal slaughter-house, such stallages, rents, and fees as may, from time to time, be fixed by him with the approval of the General Committee in this behalf ; or,
- (b) with the approval of the General Committee, farm the stallages, rents, and fees leviable

as aforesaid, or any portion thereof, for any period not exceeding one year at a time; or

Ben. Act  
III. 1899,  
ss. 490-  
492.

(c) put up to public auction, or, with the approval of the General Committee, dispose of by private sale, the privilege of occupying or using any stall, shop, standing, shed, or pen in a municipal market or municipal slaughter-house, for such period and on such conditions as he may think fit.

**490.** All stallages, rents, and fees charged under section 489, shall be recoverable in the manner provided by this Act for the recovery of the consolidated rate.

**491.** (1) A printed copy of the regulations and of the table of stallages, rents, and fees, if any, in force in any market or slaughter-house under sections 488 and 489, in the English, Bengali, and Urdu languages, shall be affixed on some conspicuous spot in the market-building, market-place, or slaughter-house.

(2) No person shall, without lawful authority, destroy, pull down, injure, or deface any copy of any regulation or table so affixed.

**492.** The Chairman may expel from any municipal market or municipal slaughter-house any person who or whose servants has been convicted of contravening any regulation made under section 488 or any bye-law made under section 559 at the time in force in such market or slaughter-house,

and may prevent such person, by himself or his servants, from further carrying on any trade or business in such market or slaughter-house, or occupying any stall, shop, standing, shed, pen, or other place therein,

Ben. Act.  
III. 1899,  
ss. 493,  
494.

and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen, or place.

## CHAPTER XXXV.—FOOD AND DRUGS.

### *Sale of Articles of Food and Drink generally.*

**493.** (1) No person shall, without a license from the Chairman, sell or expose for sale any meat, &c., outside four-footed animal or any meat or fish market. intended for human food, in any place other than a municipal or private market.

(2) Nothing in sub-section (1) shall apply—

(a) to meat or fish sold in any hotel or eating-house, the keeper of which holds a license granted under Chapter XIV. and for the time being in force, or

(b) to fresh fish sold from, or exposed for sale on, a vessel in which it has been brought direct to Calcutta after being caught at sea or in the river.

**494.** No person shall, without or otherwise than in conformity with the terms of a license granted by the Chairman in this behalf,—  
Licensing of butchers and sellers of meat.

(a) carry on within Calcutta, or at any municipal slaughter-house, the trade of a butcher; or

(b) use any place in Calcutta for the sale of the flesh of any animal intended for human food, or any place outside Calcutta for the sale of such flesh for consumption in Calcutta.

Ben. Act  
III. 1899,  
ss. 495,  
496.

**495.** (1) No person shall sell to the prejudice of the purchaser any article of human food or drink which is not of the nature, substance, or quality of the article demanded by such purchaser; and no person shall manufacture for sale any article of human food or drink which is not of the nature, substance, or quality which it purports to be:

Provided that an offence shall not be deemed to be committed under this section in the following cases, that is to say—

- (a) where any matter or ingredient not injurious to health has been added to any article of food or drink, because the same is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the article, or conceal the inferior quality thereof; or
- (b) where any article of food or drink is unavoidably mixed with some extraneous matter in the process of collection or preparation.

(2) In any prosecution under this section it shall be no defence to allege that the vendor or manufacturer was ignorant of the nature, substance, or quality of the article sold or manufactured by him, or that the purchaser, having bought only for analysis, was not prejudiced by the sale.

(3) In a prosecution under this section the Court may presume that any article of food or drink found in the possession of a person who is in the habit of manufacturing like articles has been manufactured for sale.

(4) No proceedings shall be instituted under this section without the written order or consent of the Chairman.

**496.** No person shall expose or hawk about for sale any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetable, corn, bread, flour, milk, ghee, butter, or other article intended for human food.

Ben. Act, which is diseased, unsound, unwholesome, or unfit for  
 111. 1899, human food.

ss. 497,  
 498.

### *Sale of Drugs.*

**497.** (1) No shop or place shall be kept for the re-  
 tail sale of drugs not being also arti-  
 Registration of shops and places for retail sale of drugs. cles of ordinary domestic consump-  
 tion, unless the same has been re-  
 gistered in the municipal office within two months after the  
 commencement of this Act, or, if the shop or place was es-  
 tablished after the commencement of this Act, then within  
 two months from the date of its establishment.

(2) The Chairman may, in his discretion, refuse to permit the registration of any such shop or place.

(3) If any person is dissatisfied with such refusal, he may appeal to the General Committee, whose decision shall be final.

(4) The Chairman shall, upon registration, grant the keeper of such shop or place a license, which he shall be bound to display in some conspicuous part of his premises.

Power to make rules as to compounders. **498.** The Local Government may make rules—

(a) prescribing an educational course for candidates for compounders' certificates.

(b) prescribing a fee to be paid by persons seeking admission to a Government Medical School for the purpose of undergoing such educational course,

(c) regulating the public examination of candidates for compounders' certificates, and prescribing the fee to be paid and the conditions to be observed by persons seeking admission to any such examination,

(d) regulating the grant of compounders' certificates to persons passing any such examination,

(e) regulating the registration of certificates so granted,

(f) permitting any person having such qualifications as may be recognized in the rules to compound, mix, prepare, dispense, or sell drugs without obtaining such a certificate, and

Ben. Act  
III. 1899,  
ss. 499-  
501.

(g) authorizing the cancellation of any certificate granted, or the withdrawal of any permission given, under the said rules, to any person who is proved, in the course of a judicial trial, to have made a serious mistake, through ignorance or carelessness, in the compounding, mixing, preparation, dispensing, or selling of drugs.

**499.** (1) No person shall compound, mix, prepare, dispense, or sell any drug in any shop or place registered under section 497 unless he has a certificate or permission granted under rules made under section 498 and then in force.

(2) No owner, occupier, or keeper of any shop or place registered under section 497 shall employ in such shop or place any person contravening sub-section (1).

(3) If any person contravenes sub-section (2), the Magistrate by whom he is tried may cancel the license granted to him under section 497, sub-section (4).

**500.** Nothing in section 497, section 498, or section 499, shall apply to the sale of drugs used by practitioners of indigenous medicines, when such drugs are not sold in a shop or place where medicines are dispensed upon prescription.

### *Inspection and Seizure of Food and Drugs.*

**501.** (1) If the Chairman has reason to believe that any animal intended for human food is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorized under this Act, he may, at any

Power of Chairman to enter place where unlawful slaughter of animals or sale of flesh is suspected.

**Ben. Act** time by day or by night, without notice, enter such place  
**III. 1899,** for the purpose of satisfying himself as to whether any  
**ss. 502,** provision of this Act, or of any bye-law or regulation made  
**503.** under this Act at the time in force, is being contravened  
 thereat.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry.

**502.** It shall be the duty of the Chairman to make  
 Chairman to provide provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter, oil, and any other article exposed or hawked about for sale, or deposited in, or brought to, any place for the purpose of sale, or of preparation for sale, and intended for human food or for medicine, the proof that the same was not exposed or hawked about or deposited or brought for any such purpose, or was not intended for human food or for medicine, resting with the party charged.

**503.** (1) The Chairman may, at all reasonable times,  
 Power to seize articles, &c., which are unwholesome, &c. inspect and examine any such animal or article as aforesaid, and any utensil or vessel used for preparing, manufacturing, or containing any such article.

(2) If any such animal appears to the Chairman to be diseased, or if any such article appears to him to be diseased, unsound, unwholesome, or unfit for human food or for medicine, as the case may be, or to be adulterated or to be not what it is represented to be, or if any such utensil or vessel is of such kind, or in such state, as to render any article prepared, manufactured, or contained therein unwholesome or unfit for human food or for medicine, as the case may be,

he may seize and carry away such animal, article, utensil, or vessel, in order that the same may be dealt with as hereinafter provided.

(3) Meat subjected to the process of blowing shall be deemed to be unfit for human food.

Ben. Act  
III. 1899,  
ss. 504,  
505.

**504.** (1) When any article of human food is seized

Destruction of articles seized under section 503. under section 503, it may, with the consent of the owner, or the person in whose possession it was found, be forthwith destroyed in such manner as to prevent its being used for human food, or again exposed for sale, or,

if such consent be not obtained, then, if any such article is of a perishable nature, and is, in the opinion of the Chairman, the Health Officer, an Assistant Health Officer, or any Commissioner, diseased, unsound, unwholesome, or unfit for human food, it may be destroyed as aforesaid.

(2) The expenses incurred in destroying any article in pursuance of sub-section (1) shall be paid by the person in whose possession such article was at the time of its seizure.

**505.** (1) Every animal, article, utensil, and vessel

Taking before Magistrate animals and articles seized under section 503.

seized under section 503, which is not destroyed in pursuance of section 504, shall forthwith be taken before a Magistrate.

(2) If it appears to the Magistrate that any such animal is diseased, or that any such article is unsound, unwholesome, or unfit for human food or for medicine, as the case may be, or is adulterated, or is not what it was represented to be, or that any such utensil or vessel is of such kind or in such state as aforesaid, he shall cause the same—

(a) to be forfeited to the Corporation, or

(b) to be destroyed, at the charge of the person in whose possession it was at the time of its seizure, in such manner as to prevent the same being again exposed or hawked about for sale or used for human food or for medicine, or for the preparation or manufacture of, or for containing, any such article as aforesaid.

Ben. Act  
III. 1899,  
ss. 506-  
508.

(3) If it appears to the Magistrate that any such medicine is not unwholesome or unfit for medicine, or is not adulterated, or is what it was represented to be, the person from whose shop or place it was taken shall be entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award him such compensation, not exceeding the actual loss which has been sustained, as the Magistrate may think proper.

**506.** If any drug seized under section 503 is not taken before a Magistrate, it shall be restored to the person from whose shop or place it was taken, and such person shall be entitled to compensation for any actual loss which he may have sustained by the removal of the drug.

**507.** (1) If the Chairman requires the sale to him of any article of food exposed to sale, and tenders the price for a quantity not more than is reasonably requisite for division and disposal under sub-sections (2) and (3), the person exposing the same for sale shall be bound to sell such quantity.

(2) When the sale is completed, the Chairman shall forthwith notify to the seller, or his agent selling the article, his intention to have the same analysed, and shall offer to divide the article into three parts, to be then and there separated, and each part to be marked and sealed, or fastened up in any manner which its nature will permit.

(3) If such offer be accepted, the Chairman shall proceed accordingly, and shall deliver one of the said parts to the seller or his agent, shall retain another for future comparison, and may send the third to an analyst.

**508.** When any authority directs, in exercise of any powers conferred by this chapter, the destruction of any article of food or any drug, or the disposal of the same so as to prevent its being used as food or medicine, the same shall thereupon be deemed to be the property of the Corporation.

Food and drugs directed to be destroyed, &c., deemed to be property of Corporation.

## CHAPTER XXXVI.—WEIGHTS AND MEASURES.

Ben. Act  
III. 1899,  
ss. 509-  
511.

**509.** The Chairman shall from time to time provide such local standard of weight and measure as he deems requisite for the purpose of the verification of weights and measures in use in Calcutta, and shall make such arrangements as he thinks fit for the safe keeping of the said standards.

Provision and custody of standards of local weight and measure.

**510. (1)** The Chairman shall provide from time to time proper means for verifying weights and measures not less than once in every year by comparison with the said standards, and for stamping the weights and measures so verified.

Verification of weights and measures by such standards.

**(2)** The Chairman shall from time to time fix the times and places at which some municipal officer, appointed by him in this behalf, shall attend for the purpose of the verification of weights and measures as aforesaid.

**(3)** The municipal officer so appointed shall attend, with the local standards in his custody, at each time and place so fixed, and shall examine every weight or measure which is of the same denomination as one of such standard and is brought to him for the purpose of verification, and shall compare the same with that standard, and, if he finds the same correct, shall stamp it with a stamp of verification in such manner as best to prevent fraud.

**(4)** The said municipal officer shall enter in a book kept by him minutes of every such verification, and shall give, if required, a certificate under his hand of every such stamping.

**511.** There shall be payable to the Corporation in respect of the verification and stamping of weights and measures by a municipal officer as aforesaid such fees as the Chairman may from time to time fix in this behalf.

Fees for comparison and stamping.

Ben. Act  
III. 1899,  
ss. 512-  
515.

**512.** The Chairman shall, in the performance and exercise of the duties and powers imposed and conferred on him by this chapter, be subject to the control of the Corporation.

#### CHAPTER XXXVII.—RESTRAINT OF INFECTION.

**513.** (1) Every medical practitioner, who treats or becomes cognizant of the existence of any dangerous disease in any private or public dwelling other than a public hospital, shall give information of the same with the least practicable delay to the Health Officer.

(2) The said information shall be communicated in such form and with such details as the Health Officer, with the consent of the Chairman, may from time to time require.

**514.** The Chairman may, at any time by day or by night, without notice, or after giving such notice of his intention as may, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he may think fit to prevent the spread of the said disease beyond such place.

**515.** (1) If it appears to the Chairman that the water in any well, tank, or other place, is likely, if used for drinking, or for the washing of clothes, to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for the purpose of drinking or of washing clothes.

(2) No person shall remove or use, for the purpose of drinking or of washing clothes, any water in respect of which any such public notice has been issued.

Ben. Act  
III. 1899,  
s. 516.

**516. (1)** When any person, in the opinion of the Health Officer, is suffering from a dangerous disease, and also is without proper lodging or accommodation, or is lodged in a building occupied by more than one family, and such Officer considers that such person should be removed to a hospital or place at which patients suffering from such disease are received for medical treatment, such Officer may send a certificate to that effect to the Chairman.

Power of Chairman or police-officer to remove patient to hospital.

(2) On receipt of any such certificate, the Chairman may direct or cause the removal of such person to such hospital or place :

Provided that, if any such person is a female, she shall not be removed to any such hospital or place unless the same has accommodation for females of a suitable kind and set apart from the portions assigned to males.

(3) The Chairman shall, in the exercise of his powers under sub-section (2), be subject to the control of the Corporation.

(4) The person, if any, who has charge of a person in respect of whom an order is made under sub-section (2), shall obey such order.

(5) If any female, who, according to custom, does not appear in public, be removed to any hospital or place under sub-section (2),—

(a) the removal must be effected in such a way as to preserve her privacy ;

(b) special accommodation suited to such custom must be provided for her in such hospital or place ;

(c) she shall be treated therein by female agency only, and

(d) her female relatives shall be allowed to remain with her.

Ben. Act  
III. 1899,  
ss. 517-  
519.

**517.** (1) If the Chairman is of opinion that the cleansing or disinfecting of any building or any part of a building, or any article therein which is likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may cleanse or disinfect such building, part, or article, and may, by written notice, require the occupier of the building or any part thereof to vacate the same for such time as may be prescribed in such notice.

(2) The cost of such cleansing or disinfecting shall be paid by the occupier of the building :

Provided that, if, in the opinion of the Chairman, the occupier is, from poverty, unable to pay the said cost, the Chairman may direct payment to be made from the Municipal Funds.

**518.** (1) If the Chairman is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may, in the circumstances of the case, appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation shall be paid by the Chairman to any person who sustains substantial loss by the destruction of any such hut or shed ; but, except as so allowed by the Chairman, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by sub-section (1) :

Provided that, if any person is dissatisfied with the amount of compensation paid by the Chairman, he may appeal to the General Committee, whose decision shall be final.

**519.** (1) No person shall let a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous dis-

Infected building  
not to be let without  
being first disinfected.

Ben. Act  
III. 1899,  
ss. 520,  
521.

case unless the Health Officer has disinfected the same, and has granted a certificate to that effect, or until a date specified in such certificate as that on which the building or part may be occupied without causing risk of infection.

(2) For the purposes of sub-section (1), the keeper of an hotel or inn shall be deemed to let part of his building to any person accommodated therein.

**520.** (1) The Chairman may provide a place or places,

Disinfection, washing, or destruction of infected articles. with all necessary apparatus and attendance, for the disinfection of conveyances, clothing, bedding, or other

articles which have become infected; and, when any articles have been brought to any such place for disinfection, may cause them to be disinfected, either,—

(a) in his discretion, on payment of such fees as he may from time to time fix in this behalf with the approval of the Corporation; or,

(b) in any case in which he is satisfied that the parties are too poor to pay, free of charge.

(2) The Chairman may from time to time, by public notice, appoint a place or places at which conveyances, clothing, bedding, or other articles which have been exposed to infection from any dangerous disease may be washed; and no person shall wash any such article at any place not so appointed, without having previously disinfected the same.

(3) The Chairman may, by written notice, direct the disinfection or destruction of any clothing, bedding, or other articles likely to retain infection.

(4) The Chairman shall pay compensation for any article destroyed under sub-section (3).

**521.** (1) No person shall, without previous disinfection of the same, give, lend, sell, transmit, or otherwise dispose of any article

Infected articles not to be transmitted, &c., without previous disinfection.

which he knows, or has reason to know, has been exposed to infection

from any dangerous disease.

Ben. Act  
III. 1899,  
ss. 522,  
523.

(2) Nothing in sub-section (1) shall apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

**522.** (1) No person who is suffering from a dangerous disease shall enter a public conveyance without previously notifying to the owner, driver, or person in charge of such conveyance that he is so suffering.

(2) Notwithstanding anything contained in any Act relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance, unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

(3) No person who is suffering from a dangerous disease shall, without proper precautions against spreading such disease, cause or suffer himself to be carried in a public conveyance.

(4) No person shall go in company with, or take charge of, any person suffering as aforesaid who causes or permits himself to be carried in a public conveyance in contravention of sub-section (1) or sub-section (3).

(5) No owner, driver, or person in charge of a public conveyance, shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid in contravention of sub-section (1) or sub-section (3).

**523.** (1) The owner, driver, or person in charge of any public conveyance in which any person suffering from a dangerous disease has been carried shall immediately take the conveyance for disinfection to a place appointed under section 520.

(2) The person in charge of such place shall forthwith intimate to the Health Officer the number of the conveyance, and proceed to disinfect the conveyance.

(3) No such conveyance shall be used until the Health Officer has granted a certificate stating that it may be used without causing risk of infection.

Ben. Act  
III. 1899,  
ss. 524-  
526.

**524.** (1) The Chairman, with the sanction of the Corporation, may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease.

Provision of special conveyances for patients.

(2) When such conveyances have been provided, it shall not be lawful, without the sanction of the Chairman, to carry any such person in, or for any such person to cause himself to be carried in, any other public conveyance.

**525.** In the event of Calcutta being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious epizootic disease breaking out or being likely to be introduced into Calcutta,

Power of Chairman to take special measures on outbreak of dangerous disease or infectious epizootic disease.

the Chairman, if he considers that the other provisions of this Act or the provisions of any other law for the time being in force are insufficient for the purpose, may, with the approval of the Corporation and the sanction of the Local Government,—

(a) take such special measures, and,

(b) by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he may deem necessary to prevent the outbreak of such disease or the spread thereof.

#### CHAPTER XXXVIII.—REGISTRATION OF BIRTHS AND DEATHS.

**526.** (1) The Health Officer shall be chief registrar of Calcutta, and shall keep, in such form as may from time to time be prescribed by the Local Government, a register of all births and deaths occurring in Calcutta.

Appointment of registrars and sub-registrars.

Ben. Act  
III, 1899,  
ss. 527-  
529.

(2) The Chairman shall, for the purposes of this chapter, divide Calcutta into such and so many districts as the Local Government may think fit, and shall appoint a person to be registrar of births and deaths for each such district.

(3) On the occurrence of any dangerous disease the Chairman may, with the sanction of the General Committee, appoint as many additional registrars as he may think necessary.

(4) The Chairman shall appoint a sub-registrar for each registered or licensed burial or burning ground to register all corpses brought thereto for interment or cremation.

**527.** (1) Every registrar shall dwell within the district for which he is appointed, and every Dwelling-place of registrar and sub-registrar. sub-registrar shall dwell in the vicinity of the burial or burning ground for which he is appointed.

(2) Every registrar and sub-registrar shall cause his name, with the addition of the words "Registrar of births and deaths for the district of \_\_\_\_\_," or "Sub-registrar for the \_\_\_\_\_ burial or burning ground," as the case may be, to be placed in some conspicuous place on or near the outer door of his dwelling-place.

**528.** The Chairman shall cause to be printed and published a list containing the name and dwelling-place of every registrar and sub-registrar. List of registrars and sub-registrars.

**529.** (1) The Chairman shall cause to be prepared and printed a sufficient number of Register-books. register-books, in such form as may from time to time be prescribed by the Local Government, for making entries of all births and deaths occurring in Calcutta.

(2)\*The pages of such books shall be numbered progressively from the beginning to the end.

Ben. Act  
III. 1899,  
ss. 530-  
532.

**530.** (1) Every registrar shall inform himself of every birth and death occurring in his district, and shall ascertain and register, as soon as conveniently may be after the event, and without fee or reward, the particulars prescribed in Schedule XIX. or Schedule XX., as the case may be, touching every birth or death which has not been already registered.

(2) Every entry in a register-book shall be made in order from the beginning to the end of the book.

**531.** The father or mother of every child born in Calcutta, or, in case of the death, by whom to be given. Information of birth illness, absence, or inability of the father and mother, the occupier of the building in which such child is born, shall, within eight days after the day of the birth, give information to the registrar of the district, according to the best of his or her knowledge and belief, of the several particulars prescribed in Schedule XIX.

**532.** The nearest relative present at the death, or in attendance during the last illness, of any person dying in Calcutta, or Information of death by whom to be given.

(in case of the death, illness, absence, inability, or default of such relative) every other person present at the death, or

(in default of such relative or other person as aforesaid) the occupier of the building in which the death occurred, or

(if such occupier be the person who has died) some person living in the building in which the death occurred,

shall, within twelve hours after the death, give information to the registrar of the district, or to the sub-registrar of the burial or burning ground where the body is buried or burnt, according to the best of his knowledge and belief, of the several particulars prescribed in Schedule XX.:

Provided as follows:—

(a) if any one of the aforesaid persons gives the required information, no other person shall be bound to give it;

Ben. Act  
III. 1899,  
ss. 533-  
536.

(b) if the death occurs in a hospital, none of the aforesaid persons shall be bound to give information, but it shall be the duty of the medical officer in charge of the hospital, within twelve hours after the death, to send to the Health Officer a written notice containing the particulars prescribed in Schedule XX.

**533.** Any medical man in attendance during the last illness of any person dying in Calcutta shall, within three days of his becoming cognizant of the death of such person, send a written notice to the Health Officer, as nearly as may be in the form prescribed in Schedule XX., stating, to the best of his judgment, the cause of death.

Medical practitioners to send to Health Officer notice stating cause of death.

**534.** It shall be the duty of the police to convey every unclaimed corpse to a burial or burning ground or duly appointed mortuary, and to inform the registrar of the district when they have done so.

Duties of police with regard to unclaimed corpses.

**535.** Every person by whom information is given for entry in any register-book of births or deaths shall sign his true name in the book, and shall enter correctly therein his description and place of abode; and no registration shall be deemed to be complete or of any effect until this has been done:

Signature of register-book by informant of birth or death.

Provided that the registrar may fill up and sign the register-book for any person who is unable to write.

**536.** A sexton or keeper of a burial or burning ground, whether situated within Calcutta or not, shall not bury, burn, or allow to be buried or burnt, the corpse of any person who has died in Calcutta, unless such corpse is accompanied by a certificate in the form prescribed by Sche-

Sextons, &c., not to bury or burn corpse without certificate.

dule XX., signed by a registrar or sub-registrar appointed under section 526, or by a medical officer :

Ben. Act  
III. 1899,  
ss. 537-  
539.

Provided that, at any burial or burning ground where there is a sub-registrar who keeps a register in the form prescribed by the said schedule, an entry in such register relating to the deceased shall be deemed sufficient.

**537.** Every sub-registrar shall, within twenty-four hours of registering any death under this chapter, forward, to the registrar of the district in which the death occurred, a copy of the entry made by him; and the registrar, on receipt thereof, shall forthwith enter the death in the district register.

Transmission of copies of entries by sub-registrar to registrar.

**538.** The Local Government may make rules—

- (a) prescribing the qualifications to be required in persons appointed to be registrars or sub-registrars under this chapter, and
- (b) generally, for the guidance of the Chairman, the Health Officer, registrars, and sub-registrars in all matters connected with the carrying out of this chapter.

## CHAPTER XXXIX.—DISPOSAL OF THE DEAD.

**539.** Every owner or person having the control of a place used for burying, burning, or otherwise disposing of the dead, shall cause the same to be registered in a register which shall be kept by some municipal officer charged by the Chairman with this duty, and shall deposit in the municipal office at the time of registration a plan of the said place, showing the extent and boundaries thereof, and bearing the signature of a surveyor in token of his having been prepared by or under the supervision of such surveyor.

Registration of places for disposal of the dead.

Ben. Act  
III. 1899,  
ss. 540-  
542.

**540.** If the existing places for the disposal of the dead appear at any time to be insufficient, or if any such place is closed under the provisions of section 542, the Chairman shall, with the sanction of the Corporation, provide other fit and convenient places for the said purpose, either within or without Calcutta, and shall cause the same to be registered in the register kept under section 539, and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof, showing the extent and boundaries of the same, and bearing the signature of the Engineer.

Chairman's permission required to opening or re-opening places for disposal of the dead.

**541.** (1) Except with the written permission of the Chairman,—

- (a) no place which has never previously been lawfully used as a place for the disposal of the dead, and registered as such, shall be opened by any person for the said purpose, and
- (b) no burial or burning ground which has fallen into disuse shall be again used as such

(2) The Chairman, with the approval of the Corporation, may grant or withhold such permission.

Power of Local Government to direct the closing of any place for the disposal of the dead.

**542.** (1) If, from information furnished by competent persons, and after personal inspection, the Chairman is at any time of opinion—

- (a) that any place of public worship is, or is likely to become, injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any church-yard or burial-ground adjacent thereto, or
- (b) that any other place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health,

Ben. Act  
III. 1899,  
s. 543.

he may submit his said opinion, with the reasons therefor, to the Corporation, who shall forward the same, with their opinion, for the consideration of the Local Government.

(2) Upon receipt of such opinions, the Local Government, after such further inquiry, if any, as it deems fit to make, may, by notification published in the Calcutta Gazette and in local newspapers, direct that such place of public worship or other place for the disposal of the dead shall no longer be used for the disposal of the dead.

(3) Every such notification shall be noted in the register kept under section 539.

(4) On the expiration of two months from the date of any such notification, the place to which the same relates shall be closed for the disposal of the dead.

(5) A copy of the said notification, with a translation thereof in the Bengali and Urdu languages, shall be affixed on a conspicuous spot on or near the place to which the notification relates, unless such place be a place of public worship.

**543.** (1) If, after personal inspection, the Chairman is at any time of opinion that any place formerly used for the disposal of the dead, which has been closed under section 542 or under any other law or authority, has, by lapse of time, become no longer injurious to health, and may, without risk of danger, be again used for the said purpose, he may submit his said opinion, with the reasons therefor, to the Corporation, who shall forward the same, with their opinion, for the consideration of the Local Government.

(2) Upon receipt of such opinions, the Local Government, after such further inquiry, if any, as it deems fit to make, may, by notification published in the Calcutta Gazette, direct that such place be re-opened for the disposal of the dead.

Ben. Act.  
III. 1899,  
ss. 544,  
545.

(3) Every such notification shall be noted in the register kept under section 539.

**544.** (1) Every person having control of a burial or burning ground shall keep a register of burials and cremations. of all burials or cremations therein, in which shall be entered the particulars given in every certificate furnished under section 536.

(2) The Chairman shall, at all reasonable times, have access to such register.

Prohibition of certain acts without the permission of the Chairman.

**545.** (1) No person shall, without the written permission of the Chairman under sub-section (2),—

- (a) make any vault, grave, or interment within any wall, or underneath any passage, porch, portico, plinth, or verandah, of any place of worship ; or
- (b) make any interment, or otherwise dispose of any corpse, in any place which is closed for the disposal of the dead under section 542 ; or
- (c) build, dig, or cause to be built or dug, any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse, at any place which is not registered in the register kept under section 539 ; or
- (d) exhume any body from any place for the disposal of the dead, except under the provisions of section 176 of the Code of Criminal Procedure, 1898,\* or of some other law for the time being in force.

(2) The Chairman may in special cases grant permission for any of the acts mentioned in sub-section (1), subject to such general or special orders as the Local Government may make in this behalf.

(3) An offence against clause (b), clause (c), or clause (d) of sub-section (1), shall be deemed to be a cognizable offence within the meaning of sections 149, 150, and 151 of the said Code of Criminal Procedure, 1898.\*

Ben. Act  
III. 1899,  
ss. 546-  
550.

## CHAPTER XL.—CENSUS.

**546.** (1) At such time and in such manner as the Census when and Chairman, with the sanction of the how to be taken. Corporation and the Local Government, may from time to time direct, an enumeration shall be made of all persons then being in Calcutta.

(2) When any time is appointed under sub-section (1), the Local Government shall, at least one month before that time, publish a notification in the Calcutta Gazette, announcing the said time, and containing all other particulars of which it considers the residents should be informed.

**547.** The Chairman, or any person specially appointed by the Corporation for the purpose, Superintendence. shall superintend the making of every such enumeration, and shall cause to be prepared and issued for the purposes of such enumeration such forms and instructions as he may consider necessary, and as may be sanctioned by the Local Government.

**548.** The expenses incurred in making any such enumeration shall be paid out of the Expenses. municipal funds.

**549.** For the purposes of this chapter each police- Enumeration dis- division of Calcutta shall be formed tricts. into one or more enumeration-dis- tricts.

**550.** (1) The Chairman or person appointed under Appointment and section 547 (hereinafter called "the duties of enumerators. Superintendent") shall select a sufficient number of competent persons to act as enumerators.

Ben. Act  
III. 1899;  
s. 551.

(2) Every enumerator shall obey all instructions issued to him by the Superintendent for the making of the enumeration, and shall, under the direction of the Superintendent, and on the day appointed by the Corporation in this behalf,—

- (a) visit every building within his district ;
- (b) take an account in writing of the name, sex, age, caste (if any), nationality, and occupation of every person abiding in such building on the night immediately preceding the said day ; and
- (c) take an account in writing of all occupied buildings, all buildings then being built and uninhabited, and all other uninhabited buildings :

Provided that no female shall be required to disclose her name or age.

(3) Every occupier of a building or of any part of a building which is distinctly occupied shall be bound to afford to an enumerator any information which may be required from him under sub-section (2).

Military and naval officers and certain other persons, if required, to act as enumerators.

**551.** (1) The following persons, namely,—

- (a) any military or naval officer in command of a body of military or naval men or of a vessel of war ;
- (b) any master of a merchant vessel ;
- (c) any nacoda or tindal of a vessel or boat ;
- (d) any person in charge of a lunatic asylum, hospital, or prison, or of any public or private charitable or scholastic institution, and
- (e) any keeper of a hotel or lodging-house,

Ben. Act  
III. 1899,  
ss. 552,  
553.

shall, if required by the Superintendent, act as an enumerator for the purpose of taking an account in writing of the name, sex, age, caste (if any), nationality, and occupation of every person under his command or charge, or abiding in any building in his possession, charge, or control, on the night immediately preceding the day appointed as aforesaid, and shall obey all instructions issued to him in writing by the Superintendent for the purposes of taking such account.

(2) If any person upon whom a requisition is made under sub-section (1) is unable to write, an enumerator appointed under section 550 shall fill up any form supplied to such person under that sub-section.

**552.** (1) The Superintendent may, if he considers it advisable to do so, cause a form sanctioned by the Corporation and approved by the Local Government to be delivered to any occupier of a dwelling-place, or of any part of a dwelling-place which is distinctly occupied, who is able to write.

(2) Every occupier to whom any such form is delivered shall fill up all the particulars required in the form in respect of the night immediately preceding the day appointed as aforesaid, and shall deliver the form as so filled up to the person authorized by the Superintendent to demand the same.

**553.** The Superintendent shall obtain, by such ways and means as appear to him best adapted for the purpose, and as are sanctioned by the Corporation, returns showing the name, sex, age, caste (if any), nationality, and occupation of every homeless person and every person who, during the night immediately preceding the day appointed as aforesaid, was on out-door night-duty, or, for any other reason, was not abiding in any building for which an account is taken under the foregoing sections of this chapter.

Filling up of forms by occupiers of dwelling-houses.  
Returns of houseless persons and persons not otherwise enumerated.

Ben. Act  
III. 1899,  
s. 554.

## PART VI.

## CHAPTER XLI,—RAILWAYS.

Powers of Corpora-  
tion as to construction,  
&c., of railways.

**554.** With the previous sanction of the Government of India, the Corporation may—

- (a) upon any of the public streets within Calcutta, or upon any land within or without Calcutta which is vested in the Corporation, construct or maintain any railway which may appear to the Corporation to be useful or necessary for the purposes of this Act ;
- (b) use and employ upon any such railway locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby ;
- (c) carry and convey passengers and goods upon any such railway ;
- (d) make such reasonable charges in respect of such passengers or goods as the Corporation may from time to time determine ;
- (e) from time to time, enter into any contract with any person for the construction, maintenance, and working of any railway as aforesaid within or without Calcutta ;
- (f) from time to time enter into any contract with any person for the passage over any railway as aforesaid of locomotive engines or other motive-power, carriages, and wagons belonging to or controlled by such person, upon the payment of such tolls or rent, and under such conditions and restrictions, as may be mutually agreed upon, and
- (g) lease any railway as aforesaid to any person, upon such terms, and under such conditions and restrictions, as may be mutually agreed upon.

Ben. Act  
III. 1899,  
ss. 555-  
557.

**555.** Any person to whom a railway is leased under clause (g) of section 554 shall, subject to the terms, conditions, and restrictions of his lease, have the same powers for maintaining the same, and for using and employing thereupon locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby, and for carrying and conveying thereupon passengers and goods, and making charges in respect thereof, as the Corporation would have had if the railway had not been so leased.

## PART VII.

### CHAPTER XLII.—ACQUISITION AND DISPOSAL OF LAND AND BUILDINGS.

**556.** In addition to the powers expressly conferred on any municipal authority by any other chapter of this Act for the acquisition and disposal of land or buildings, the Corporation may—

Further powers for acquiring and disposing of land or buildings.

(1) acquire, or pay rent for, or take on lease, under such conditions as they may think fit, any land and buildings, whether situated in Calcutta or not, which may, in their opinion, be needed for carrying out any of the purposes of this Act, and

(2) sell, lease, or otherwise transfer, on such terms as they may think fit, any land or building vested in them.

**557.** Any land or buildings which any municipal authority is authorized by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 1894;\* and for that purpose the said Act shall be subject to the following amendments, namely:—

Application of Land Acquisition Act, 1894,\* with amendments.

(a) The expression "Collector" means also the Chairman of the Corporation of Calcutta.

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\* Act I. of 1894.

Ben. Act  
III. 1899,  
s. 557.

- (b) Section 17 of the said Land Acquisition Act\* shall apply also in the case of any area which is stated, in a certificate granted by a Magistrate, to be unhealthy. Before granting any such certificate the Magistrate shall cause notice to be served as promptly as may be on the persons referred to in sub-section (3) of section 9 of the said Act, and shall hear without any avoidable delay any objections which may be urged by them against the application of the said section 17. When proceedings have been taken under the said section 17 for the acquisition of any land, and any person sustains damage in consequence of being suddenly dispossessed of such land, compensation shall be paid to such person for such dispossession.
- (c) The market-value of the land or building shall be deemed, for the purposes of clause *first* of sub-section (1) of section 23 of the said Land Acquisition Act,\* to be the market-value according to the disposition of the land or building at the date of the publication of the declaration relating thereto under section 6 of the said Land Acquisition Act:\*

Provided as follows—

- (i) if it be shown that, before such declaration was published, the owner of the land or building had taken active steps and incurred expenditure to secure a more profitable disposition of the same, further compensation, based on his actual loss, may be paid to him;
- (ii) if the market-value is specially high in consequence of the property being put to a use which is unlawful or contrary to public policy, that use shall be disregarded, and the market-value shall be deemed to be the

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\* Act I. of 1894.

market-value of the land or building if put to ordinary uses;

Ben. Act  
III. 1899,  
s. 558.

- (iii) if the market-value has been increased by means of any improvement made by the owner or his predecessor in interest within two years before the aforesaid declaration was published, such increase shall be disregarded, unless it be proved that the improvement was made *bona fide*, and not in contemplation of proceedings for the acquisition of the land or building being taken under the said Land Acquisition Act.\*

- (d) The market-value of the land or building shall, until the contrary is shown, be presumed, for the purposes of the said clause *first* of sub-section (1) of section 23, to be twenty-five times the annual value of the property, as entered in the assessment-book prescribed by this Act:

Provided that this presumption shall not be made in respect of any land or building until a re-assessment has been made, after the commencement of this Act, for the district in which such land or building is situated.

- (e) Clauses *fourthly* and *fifthly* of sub-section (1) of section 23 of the said Land Acquisition Act\* shall not apply in the case of tanneries, *surki* mills, or other offensive trades.

**558.** On payment by the Corporation, out of the

Vesting in Corporation of land and buildings acquired under the Land Acquisition Act, 1894.\*

Municipal Funds, of the compensation awarded under the said Land Acquisition Act, 1894,\* in respect of any land or buildings, and of any other charges incurred in acquiring the land

or buildings, the same shall vest in the Corporation.

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\* Act I. of 1894.

Ben. Act  
III. 1899,  
s. 559.

## PART VIII.

## CHAPTER XLIII.—BYE-LAWS, RULES, AND REGULATIONS.

Powers of General  
Committee for mak-  
ing bye-laws.

559.\* The General Committee  
may make bye-laws—

- (1) regulating the conduct of business at meetings of Sub-Committees ;
- (2) prescribing rates, other than those mentioned in Schedule IX., for the payment of fees for licenses referred to in section 203 ;
- (3) regulating—
  - (a) the detention and examination of petroleum introduced into Calcutta for consumption therein,
  - (b) the collection of any tax imposed under section 206, and
  - (c) such other matters connected with the introduction of petroleum into Calcutta for consumption therein as the General Committee may from time to time think fit to regulate :

Provided that no such bye-law shall render petroleum, passing through Calcutta in transit for any place beyond Calcutta, liable to taxation or to any detention or examination whatsoever under this Act ;

- (4) prescribing the procedure to be followed by owners or occupiers desiring a water-supply ;
- (5) prescribing a schedule of charges for water supplied for other than domestic purposes ;
- (6) regulating the testing of the purity of filtered water supplied under Chapter XX. ;

\* An appeal lies to the General Committee from any notice issued, or action taken or proposed to be taken, by the Chairman under any bye-law made by the General Committee under s. 559, cl. (9), (10), (11), or (12), the General Committee's decision on such appeal being final.—See s. 327, *supra*.

Ben. Act  
III. 1899,  
s. 559.

- (7) providing for the maintenance of a map of the water-supply system, and facilitating the inspection of the same by ratepayers ;
- (8) regulating, in any particular not specifically provided for in this Act,—
  - (i) the construction and maintenance of water-pipes, taps, and fittings, and
  - (ii) all matters and things connected with the supply and use of water, the control of the water-supply, and the administration of Chapter XX. ;
- (9) specifying the manner in which house-drains and privies are to be connected with the municipal drains ;
- (10) prescribing the procedure to be followed by owners and occupiers of premises in connecting house-drains and privies with the municipal drains ;
- (11) specifying the materials to be used in the construction of drains ;
- (12) regulating, in any particular not specifically provided for in Chapter XXI., Schedule XV., or Schedule XVI., the construction of ventilation-shafts or pipes, cesspools, privies, urinals, and drainage-works of every description, whether belonging to the Corporation or not, and the maintenance, control, and cleansing of drains, ventilation-shafts, or pipes, cesspools, privies, urinals, and drainage-works of every description, whether belonging to the Corporation or not ;
- (13) providing for the maintenance of a map of the sewerage system, and facilitating the inspection of the same by ratepayers ;
- (14) declaring the qualifications to be required from, and regulating the appointment, suspension, and dismissal of, licensed plumbers ;

**Ben. Act**  
**III. 1899,**  
**s. 559.**

- (15) for the alteration of doors, gates, bars, and windows opening outwards on a public street;
- (16) for the provision, maintenance, and lighting of hoards or fences in public streets when building work is carried on;
- (17) regulating the making of holes and the depositing of materials in a public street;
- (18) prohibiting or regulating the placing of obstructions, projections, or encroachments, or the depositing of materials or goods, in a public street, or in or over any drain or aqueduct in a public street, or on any land vested in the Corporation;
- (19) for the provision and maintenance of gutters and pipes for carrying and discharging water from buildings in public streets;
- (20) regulating the construction of approach roads crossing the footpath of a public street;
- (21) for altering the position of pipes and appliances laid in streets;
- (22) regulating, in any particular not specifically provided for in this Act, all matters relating to the fittings of streets and the width and construction of streets;
- (23) regulating the use of land as sites for the erection of buildings;
- (24) regulating the erection and re-erection of buildings;
- (25) regulating the making of alterations in, and additions to, buildings;
- (26) specifying the manner in which stables, cattle-sheds, and cow-houses are to be constructed and connected with the municipal drains;
- (27) for the inspection of milch-cattle, and prescribing and regulating the ventilation, light-

ing, cleansing, drainage, and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy-man or milk-seller ;

Ben. Act  
III. 1899,  
s. 559.

- (28) for enforcing the cleanliness of milk-stores and milk-shops and milk-vessels used for containing milk ;
- (29) requiring notice to be given whenever any milch-animal is affected with any contagious disease, and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination ;
- (30) for the inspection, supervision, and control of all premises used for any of the purposes referred to or mentioned in section 466, and of all trades and manufactures carried on therein ;
- (31) for the management of any wash-houses maintained under section 474, and for the control of persons carrying on business therein or resorting thereto ;
- (32) for securing the efficient inspection of markets, slaughter-houses, and places set apart under proviso (iii) to section 481 ;
- (33) regulating the management of, and the conduct of business in, markets ;
- (34) regulating the use of any municipal market-building, municipal market-place, municipal slaughter-house, or any part thereof, or any place set apart as aforesaid ;
- (35) controlling and regulating the sanitary condition of markets, slaughter-houses, and places set apart as aforesaid, and preventing the exercise of cruelty therein ;
- (36) for preventing persons suffering from any loathsome disease from keeping stalls in,

Ben. Act  
III. 1899,  
s. 559.

or being employed in preparing or selling articles of food in, any market, or from entering any municipal market, or touching any article brought thereto for sale, and for authorizing the expulsion of such persons from any municipal market ;

- (37) for preventing persons suffering from any infectious or contagious disease living in places where food or drugs is or are sold, stored, or prepared, and for disinfecting the place where any such case has occurred ;
- (38) for preventing the use in any market of false or defective weights, scales, or measures ;
- (39) for publishing a price-current ;
- (40) for the control and supervision of butchers carrying on business within Calcutta, or at any municipal slaughter-house without Calcutta ;
- (41) for securing the efficient inspection and sanitary regulation of shops in which articles intended for human food or drugs are kept or sold ;
- (42) regulating the speedy disposal of corpses ;
- (43) regulating the carrying of corpses along streets ;
- (44) regulating the removal of corpses or parts of corpses which have been kept or used for purposes of dissection ;
- (45) regulating the digging and making of graves and vaults ;
- (46) regulating the re-opening of graves and vaults for purposes of fresh interments ;
- (47) regulating cremation ;
- (48) generally, for regulating the disposal of the dead, the inspection of all places for the

disposal of the dead, and the maintenance of all such places in good order and in a safe sanitary condition ;

Ben. Act  
III. 1899,  
ss. 560, 1  
561.]

(49) for facilitating the taking of a census, and securing accurate returns thereof ;

(50) for securing the registration of marriages ;

(51) prescribing the conditions under which persons shall be permitted to drive registered carts ;

(52) for the regulation of theatres and other places of public resort, recreation, or amusement ;

(53) for the regulation of lodging-houses ;

(54) regulating the removal and disposal of noxious vegetation ; and,

(55) generally, for carrying out the provisions and intentions of this Act.

**560.** There shall be annexed, to bye-laws made under clause (9), clause (12), or clause (26) of section 559, type-plans of all constructions referred to in them, and the said plans shall be open to the inspection of any applicant at the municipal office at all reasonable times.

**561.** In making a bye-law under section 559, the General Committee may provide that a breach of it shall be punishable—

Penalties for breach  
of bye-laws.

(a) with fine which may extend to twenty rupees, and, in the case of a continuing breach, with fine which may extend to ten rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of written notice from the Chairman to discontinue the breach.

Ben. Act  
III. 1899,  
ss. 562-  
565.

**562.** Bye-laws dealing with the several matters mentioned in clauses (4) to (14) and (26) of section 559 shall be made by the General Committee within six months from the commencement of this Act.

**563.** The Corporation may at any time require the General Committee to make bye-laws under any clause of section 559; and the General Committee shall be bound to comply with any such requisition.

Powers for making bye-laws, rules, and regulations exercisable from time to time.

**564.** Any power conferred by this Act for making bye-laws, rules, or regulations may be exercised from time to time as occasion requires.

**565.** The power to make bye-laws under this Act is subject to the condition of the bye-laws being made after previous publication, and to the following further conditions, namely—

Conditions precedent to the making of bye-laws.

- (a) a draft of the bye-laws shall be published in the Calcutta Gazette, and in local newspapers;
- (b) such draft shall not be further proceeded with until after the expiration of a period of one month from such publication, or such longer period as the General Committee may appoint;
- (c) for one month at least during such period, a printed copy of such draft shall be kept at the municipal office for public inspection, and every person shall be permitted at any reasonable time to peruse the same, free of charge;
- (d) printed copies of such draft shall be delivered to any person requiring the same, on payment of such fee, not exceeding two annas

for each copy, as may be prescribed by the Chairman.

Ben. Act  
III. 1899,  
ss. 566-  
568.

**566.** (1) No bye-law made by the General Committee

Bye-laws to be subject to confirmation and sanction.

under this Act shall have any validity unless and until it is confirmed by the Corporation, and sanctioned by the Local Government.

(2) Before confirming or sanctioning any such bye-law, the Corporation or the Local Government, as the case may be, may modify it.

**567.** (1) The Local Government may make rules to

Powers to make rules for the amendment of certain Schedules.

regulate any of the matters referred to in sections 36, 54, 308, 314, and 363, and may by such rules alter, add to, or cancel any of the rules contained in

Schedules IV., V., XV., XVI., and XVII., respectively.

(2) The Local Government may make rules for altering, adding to, or cancelling any part of Schedule II., Schedule XIX., or Schedule XX.

(3) All references in this Act to any of the aforesaid Schedules shall be construed as referring to such Schedule as for the time being amended in exercise of the powers conferred by sub-section (1) or sub-section (2), as the case may be.

**568.** (1) The power to make rules under any section

Conditions precedent to the making of rules.

of this Act is subject to the condition of the rules being made after previous publication.

(2) The power to make rules under section 9, sub-section (3), section 95, sub-section (6), section 96, sub-section (4), or section 567, is also subject to the following further conditions, namely—

(a) a draft of the rules shall be published in the Calcutta Gazette, and forwarded to the Corporation for its opinion ;

Ben. Act  
III. 1899,  
ss. 569-  
572.

(b) such draft shall not be further proceeded with until six weeks after such publication, or until such later date as the Local Government may appoint.

**569.** (1) No rule made under section 68, section 73, section 96, sub-section (5), or section 627, shall have any validity unless and until it is sanctioned by the Local Government.

(2) Before sanctioning any such rule, the Local Government may modify it.

**570.** When any bye-law, rule, or regulation has been made under this Act, and (where confirmation is required) duly confirmed and (where sanction is required) duly sanctioned, it shall be published in the Calcutta Gazette, and such publication shall be conclusive proof that the bye-law, rule, or regulation has been duly made.

**571.** (1) The Chairman shall cause all bye-laws, rules, and regulations (except rules made under section 627) from time to time in force to be printed, and shall cause printed copies thereof to be delivered to any applicant on payment of a fee of two annas for each copy.

(2) Notice of the fact of copies of bye-laws, rules, and regulations being obtainable at the said price; and of the place where, and the person from whom, the same are obtainable, shall be given by the Chairman from time to time by advertisement in local newspapers.

**572.** (1) Boards, with the bye-laws, rules, and regulations [except rules made under section 8, section 9, section 73, section 94, section 95, sub-section (6), section 96, sub-section (4) or sub-section (5), or section 627] printed thereon, or with printed copies of the bye-laws, rules, and

regulations affixed thereto, shall be hung or affixed in some conspicuous part of the municipal office, and in such places of public resort, markets, slaughter-houses, and other places affected thereby as the Chairman thinks fit, and the said boards shall, from time to time, be renewed by the Chairman.

(2) No municipal officer or servant shall prevent the inspection by any person at any reasonable time of any board provided by the Chairman under sub section (1).

(3) No person shall, without lawful authority, destroy, pull down, injure, or deface any such board.

**573.** (1) If the Local Government is at any time of opinion that any bye-law, rule, or regulation made under this Act by any municipal authority should be cancelled, either wholly or in part, it shall cause the reasons for such opinion to be communicated to the Corporation, and shall prescribe a reasonable period within which the Corporation may make any representation with regard thereto which they may think fit.

(2) After receipt and consideration of any such representation, or, if, in the meantime, no such representation is received after the expiry of the prescribed period, the Local Government may, at any time, by notification in the Calcutta Gazette, cancel such bye-law, rule, or regulation, either wholly or in part:

Provided that no bye-law, rule, or regulation shall be cancelled in part only if, within the period aforesaid, the Corporation have objected to a partial cancellation thereof.

(3) The cancellation of a bye-law, rule, or regulation under sub-section (2) shall take effect from such date as the Local Government may in the said notification direct, or, if no such date is specified, then from the date of the publication of the said notification in the Calcutta Gazette, except

Ben. Act  
III. 1899,  
s. 574.

as to anything done, or suffered or omitted to be done, before such date.

(4) The said notification shall also be published in local newspapers.

## PART IX.

### CHAPTER XLIV.—PENALTIES.

Certain offences  
punishable with fine.

574. Whoever—

- (a) contravenes any provision of any of the clauses of this Act mentioned in the first column of the following table; or
- (b) contravenes any provision of any rule or regulation made under any of the said clauses; or
- (c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under any of the said clauses, rules, or regulations,

shall be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

*Explanation.*—The entries in the second column of the following table headed “Subject” are not intended as definitions of the offences described in the clauses mentioned in the first column, or even as abstracts of those clauses, but are inserted merely as references to the subject of the clause, the number of which is given in the first column :—

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 57, sub-section (1)	Accepting bribe at election.	One hundred rupees.
" 57, sub-section (2)	Giving bribe at election ...	Five hundred rupees.
" 143, sub-section (2)	Requisition by auditors to produce documents, &c.	One hundred rupees.
" 156, sub-sections (1) and (2)	Requisition for returns of measurements and rent or annual value of building or land.	Two hundred rupees.
" 191, clause (a)	Obligation to forward statement of carriages and animals liable to taxation.	Twenty rupees.
" 191, clause (i)	Obligation to forward statement of carriages and animals liable to taxation.	Twenty rupees.
" 192 ...	Requisition on occupier to forward statement of carriages and animals liable to taxation.	Twenty rupees.

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 195 ...	Requisition on livery stable-keeper to produce books and accounts for inspection.	One hundred rupees.
" 201 ...	Requisition on occupier to forward list of companies, associations, or bodies of individuals or persons carrying on profession, trade, or calling in his premises.	One hundred rupees.
" 206, sub-section (2)	Introduction of petroleum into Calcutta for storage.	One thousand rupees.
" 210, sub-section (1)	Keeping or possessing cart not duly registered.	Three times the amount payable for registration, exclusive of the amount so payable.
" 210, sub-section (2)	Failing to affix registration number to cart.	Five rupees.
" 245 ...	Improper use of filtered water supplied for domestic purposes.	Ten rupees.

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 246, sub-section (3)	Use of unfiltered water for domestic purposes.	Five rupees.
" 260, sub-section (3)	Executing works for supply of water otherwise than in presence of authorized municipal officer.	One hundred rupees.
" 262 ...	Replacing or alteration of fittings for supply of filtered water for the flushing of privies or urinals.	Fifty rupees.
" 266 ...	Unlawfully flushing, &c., water, or damaging pipes, &c.	One hundred rupees.
" 268, sub-section (1)	Waste of water supplied to premises.	Fifty rupees.
" 268, sub-section (2)	Waste of water by misusing public stand-posts, drinking-fountains, or hydrants.	Five rupees.
" 276, sub-section (1)	Fraud in respect of meter.	One hundred rupees.
" 277 ...	Injuring meter or fittings.	One hundred rupees.

Ben. Act  
III of 1899,  
s. 374.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 279, sub-section (2)	Unauthorisedly taking water for use outside Calcutta.	Fifty rupees.
„ 284 ...	Requisition to fill up well.	Twenty-five rupees.
„ 292, sub-section (1)	Constructing railway, private street, wall, or other structure over municipal drain.	One hundred rupees.
„ 296, sub-section (1)	Unlawfully connecting house-drain with municipal drain.	One hundred rupees.
„ 297 ...	Requisition to connect one house-drain with another.	Fifty rupees.
„ 299 ...	Requisition to make house-drain, and provide appliances or fittings, or to remove house-drain, &c.	Fifty rupees.
„ 300 ...	Requisition to make house-drain.	Fifty rupees.
„ 301, clause (b)	Direction as to use of house-drain, and requisition to make new house-drain.	Fifty rupees.

Ben. Act  
III. 1899,  
# 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 303 ...	Unlawfully constructing drain so as to pass beneath a building.	One hundred rupees.
" 304 ...	Constructing cesspool beneath a building used for human habitation, &c. ...	One hundred rupees.
" 305, clause (a)	Requisition to repair, flush, cleanse, or empty house-drain.	Fifty rupees.
" 307, sub-section (2)	Requisition to construct new surface-drain for benefit of occupants of hut.	Fifty rupees.
" 308 ...	Construction of drains ...	One hundred rupees.
" 310, sub-section (3)	Keeping a public privy or urinal without license, or suffering a licensed public privy or urinal to be in a filthy or noxious state.	One hundred rupees.
" 311 ...	Provision of privy or privy and urinal for building.	One hundred rupees.
" 312 ...	Requisition to provide privy or urinal for building, land, or bustee.	Fifty rupees.

Ben. Act  
III. 1899,  
s. 574.

I	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 313 ...	Requisition to provide privies and urinals for premises used by large numbers of people.	Two hundred rupees.
" 314 ...	Construction, maintenance, and regulation of privies, urinals, and appurtenances thereof.	Two hundred rupees.
" 320, sub-section (1)	Requisition to close, remove, renew, or take other order with house-drain, ventilation-shaft, or pipe, cesspool, house-gully, privy, or urinal.	Fifty rupees.
" 325, sub-section (1)	Constructing filth receptacle within fifty feet of tank, water-course, or reservoir.	Twenty rupees.
" 325, sub-section (2)	Requisition to remove filth receptacle situated within fifty feet of tank, water-course, or reservoir.	Twenty rupees.
" 326 ...	Prohibition of certain acts in connection with drainage, &c.	One hundred rupees.

Ben. Act  
III. 1899.  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 328, clause (b)	Requisition to alter, pave, &c., house-drain, cess-pool, privy, or urinal.	One hundred rupees.
" 332, sub-section (1)	Prohibition of execution of certain work by persons other than licensed plumbers.	Two hundred and fifty rupees.
" 332, sub-section (2)	Prohibition of owner or occupier causing or allowing certain work to be executed by persons other than licensed plumbers.	Fifty rupees.
" 333, sub-section (3)	Prohibition of licensed plumber demanding or receiving more than prescribed charge.	Twenty rupees.
" 335, sub-section (1)	Prohibition of licensed plumber infringing regulations, executing work carelessly or negligently, or using bad materials, appliances, or fittings.	Fifty rupees.
" 340, sub-section (1)	Erection or re-erection of verandah supported by pillars resting on street.	Two hundred and fifty rupees.

Bep. Act  
III, 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 340, sub-section (2)	Placing roof on certain verandahs.	Two hundred and fifty rupees.
340 sub-section (3)	Putting up verandahs, &c., to project over street, without permission.	Two hundred and fifty rupees.
" 340, sub-section (5)	Requisition to comply with condition subject to which permission was given to put up verandahs, &c., to project over street.	One hundred rupees.
" 340, sub-section (6)	Requisition to remove verandahs, &c., projecting over street.	One hundred rupees.
" 341, sub-section (1)	Requisition to remove or alter fixture.	Two hundred rupees.
" 343 ...	Requisition to repair, &c., building, tank, &c., dangerous to passengers or persons living in the neighbourhood.	Two hundred rupees.
" 344, sub-section (1) *	Erection or maintenance of sky-sign without permission.	Two hundred rupees.

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 345, sub-section (2)	Unlawfully removing fence or shoring timber, or removing or extinguishing light.	Fifty rupees.
" 346, sub-section (3)	Unlawfully infringing order prohibiting traffic, or removing bar, chain, or post.	Fifty rupees.
" 348, sub-section (2)	Unlawfully destroying, pulling down, &c., name of public street.	Twenty rupees.
" 349, sub-section (2)	Unlawfully destroying, pulling down, &c., number of building.	Twenty rupees.
" 352, sub-section (1)	Requisition to set back building or wall.	One hundred rupees.
" 359 ...	Unlawfully making or laying out a private street.	Five hundred rupees.
" 361, sub-section (1)	Requisition to level, &c., a private street.	One hundred rupees.
" 368, sub-section (1)	Construction of external roofs or walls of buildings with inflammable materials.	Twenty - five rupees.

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 368, sub-section (2)	Requisition to remove or alter external roof or wall made of inflammable material.	Twenty - five rupees.
" 369 ...	Requisition to provide public building with external doors or doorways, or to cause the external doors thereof to open outwards.	One hundred rupees.
" 380 ...	Sending written notice to engineer before commencing to erect or re-erect a masonry building.	Fifty rupees.
" 381 ...	Sending written notice to engineer after completion of erection or re-erection of masonry building.	One hundred rupees.
" 408 ...	Requisition to carry out in bustee improvements indicated in schedule annexed to report of medical officer and engineer.	Two hundred rupees.
" 421 ...	Requisition to cleanse bustee.	One hundred rupees.

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be im- posed.
Section 423 ...	Unlawfully removing, breaking, or damaging lamp, lamp-post, &c.	One hundred rupees.
„ 425, sub- sections (1), (2), (3), and (5)	Laying of gas-pipes ...	Five hundred rupees.
„ 426, sub- section (1)	Requisition to alter situa- tion of gas-pipe or gas- work laid in street.	Fifty rupees.
„ 427, sub- section (1)	Constructing railway, pri- vate street, building, wall, or other structure over municipal gas-pipe.	One hundred rupees.
„ 429, sub- section (2)	Provision of land in bustee when required for depo- sit or disposal of rubbish, &c.	Ten rupees.
„ 430, sub- section (1)	Direction to collect rubbish and offensive matter, and deposit it at or near en- trance to premises.	Ten rupees.
„ 430, sub- section (2)	Direction to collect rubbish and offensive matter, and deposit it in public recep- tacle.	Ten rupees.

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 430, sub-section (3)	Direction to collect rubbish and offensive matter, and deposit it in lump in street or premises.	Ten rupees.
" 431 ...	Direction to collect and remove rubbish and offensive matter accumulating on business premises.	Ten rupees.
" 436, sub-section (1)	Allowing rubbish or offensive matter to accumulate on premises for more than twenty-four hours.	Fifty rupees.
" 436, sub-section (2)	Irregular deposit of rubbish or offensive matter.	Ten rupees.
" 436, sub-section (3)	Irregular removal of sewage or offensive matter.	Twenty-five rupees.
" 436, sub-section (4)	Irregular placing of rubbish, offensive matter, or sewage.	Twenty-five rupees.
" 436, sub-section (5)	Allowing filthy matter to flow or soak from premises or create a nuisance.	Fifty rupees.

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 441 ...	Requisition to secure, enclose, cleanse, or clear building or land which is untenanted, filthy, or a nuisance.	Fifty rupees.
" 442, sub-section (1)	Requisition to take down, repair, or secure building or fixture in a ruinous state, &c.	Five hundred rupees.
" 444, sub-section (2)	Using building declared unfit for human habitation.	Five hundred rupees.
" 445, sub-section (1)	Requisition to abate overcrowding in building or room.	Twenty-five rupees.
" 445, sub-section (4)	Requisition to vacate overcrowded building or room.	Twenty rupees.
" 446, sub-section (1)	Requisition to execute works or take measures with respect to building or block of buildings in order to prevent risk of disease.	One hundred rupees in the case of a masonry building or block of masonry buildings, and fifty rupees in the case of a hut or block of huts.

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 447, sub-section (1)	Requisition to cleanse, fill up, or dewater well, tank, or marshy ground, or to drain off or remove waste or stagnant water.	Two hundred rupees.
" 448, sub-section (3)	Making excavation or digging cesspool, tank, well, or pit, after prohibition.	One hundred rupees.
" 448, sub-section (4)	Requisition to fill up excavation, cesspool, tank, well, or pit unlawfully made.	Fifty rupees.
" 451, sub-section (1)	Requisition to stop work pending decision of Magistrate.	One hundred rupees.
" 453 ...	Keeping of animals ...	Fifty rupees.
" 455, sub-section (5)	Keeping milch-cattle in declared area for the purpose of supplying milk for sale.	Fifty rupees.
" 455, sub-section (6)	Removal from declared area of milch-cattle kept for the purpose of supplying milk for sale.	Fifty rupees.

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 457 ...	Direction to discontinue use of building as a stable, cattle-shed, or cow-house.	Fifty rupees.
„ 458, sub-sections (1) and (3)	Removal of carcass of animal ...	Ten rupees.
„ 461, clauses (a), (b), and (c)	Unlawful bathing or washing in certain places.	Fifty rupees.
„ 461, clause (d) ...	Unlawfully fouling water in certain places.	Fifty rupees.
„ 461, clause (e) ...	Unlawfully drying clothes in certain places.	Ten rupees.
„ 461 clauses (i) and (ii)	Unlawful use of certain places for bathing, washing animals, or drying clothes.	Ten rupees.
„ 462 ...	Fouling of water ...	Fifty rupees.
„ 463, sub-section (1)	Establishing factory, &c., without permission.	One thousand rupees.

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 464, sub-section (1)	Requisition for cleansing or ventilating factory, &c., or for abating overcrowding or preventing danger therein.	Two hundred rupees.
„ 465, sub-section (1)	Using steam-whistle or steam-trumpet without permission.	One hundred rupees.
„ 466, sub-section (1)	Carrying on certain trades without license, or contrary to terms of license.	Five hundred rupees.
„ 466, sub-section (2)	Affixing board on licensed premises, showing licensee's name, &c.	Twenty rupees.
„ 469, sub-section (5)	Using premises in declared area for any purpose referred to or mentioned in section 466.	Fifty rupees.
„ 470, sub-section (1)	Requisition to discontinue use of premises for certain trades near dwelling-houses.	Two hundred rupees.
„ * 472, sub-section (1)	Fouling water in carrying on trade or manufacture.	One thousand rupees.

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 476, sub-section (2)	Washing of clothes by washermen at unauthorized places.	Twenty rupees.
" 479, sub-section (1)	Sale in municipal market without license.	Fifty rupees.
" 480, sub-section (2)	Establishing new private market without sanction of Corporation.	One thousand rupees.
" 481, sub-section (1)	Keeping open private market or using place as slaughter-house without license, or contrary to terms of license.	Fifty rupees.
" 482 ...	Permitting place to be used as a private market without license.	Two hundred rupees.
" 484 ...	Sale in private market which Magistrate has directed to be closed.	Ten rupees.
" 485, sub-section (1)	Requisition to pave and drain private market, bazar, private slaughter-house, or place set apart for sacrifice of animals.	Fifty rupees.

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 487 ...	Requisition to set out, clear, widen, maintain, or alter approaches, roads, paths, or ways to or in a private market or bazar.	Fifty rupees.
„ 488 ...	Regulations for markets, bazars, slaughter-houses, and places set apart for sacrifice of animals.	Fifty rupees.
„ 491, sub-section (2)	Unlawfully destroying, &c., copy of regulation or table of charges posted up in market or slaughter-house.	Ten rupees.
„ 493, sub-section (1)	Sale of animal, meat, or fish outside market.	Twenty rupees.
„ 494 ...	Carrying on trade of butcher or seller of meat without license, or contrary to terms of license.	One hundred rupees.
„ 495, sub-section (1)	Sale or manufacture of article of human food or drink not of the proper nature, substance, or quality.	One hundred rupees for a first offence, and five hundred rupees for any subsequent offence.

Ben. Act  
III. 1899,  
a. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 496 ...	Sale of diseased or unwholesome animal or article intended for human food.	Fifty rupees.
„ 497, subsection (1)	Using unregistered shop or place for retail sale of drugs.	One hundred rupees.
„ 499, subsection (1)	Compounding, &c., drugs in registered shop or place without certificate or permission.	Fifty rupees.
„ 499, subsection (2)	Employing unauthorized person to compound, &c., drugs in registered shop or place.	Two hundred rupees.
„ 507, subsection (1)	Sale of article of food required for purposes of analysis.	Fifty rupees.
„ 513 ...	Medical practitioners to give information of existence of dangerous disease.	Fifty rupees.
„ 515, subsection (2)	Removing or using, for the purpose of drinking or of washing clothes, water which is likely to engender or spread a dangerous disease.	Two hundred rupees.

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 516, sub-section (4)	Removal to hospital of patient suffering from dangerous disease.	One hundred rupees.
" 517, sub-section (1)	Requisition on occupier to vacate building or part thereof to admit of disinfection.	Fifty rupees.
" 519, sub-section (1)	Letting infected building.	Five hundred rupees.
" 520, sub-section (2)	Washing infected article at unauthorized place.	One hundred rupees.
" 520, sub-section (3)	Direction to disinfect or destroy articles likely to retain infection.	One hundred rupees.
" 521, sub-section (1)	Transmitting, &c., infected article.	Two hundred rupees.
" 522, sub-section (1)	Infected person entering public conveyance without notifying infection.	Fifty rupees.
" 522, sub-sections (3), (4), and (5)	Carriage of infected person in public conveyance without proper precautions against spreading of disease.	Two hundred rupees.

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 523, sub-section (1)	Taking public conveyance to appointed place for disinfection.	Two hundred rupees.
" 523, sub-section (3)	Using infected public conveyance.	Five hundred rupees.
" 524, sub-section (2)	Carrying infected persons in other than special conveyances without sanction of Chairman.	Two hundred rupees.
" 531 ...	Information of birth ...	Ten rupees.
" 532 ...	Information of death ...	Ten rupees.
" 533 ...	Notice by medical practitioner to Health Officer, stating cause of death.	Fifty rupees.
" 535 ...	Signature of register-book by informant of birth or death.	Twenty rupees.
" 536 ...	Burying or burning corpse without certificate.	One hundred rupees.
" 539 ...	Registration of place for disposal of the dead, and depositing of plan in municipal office.	One hundred rupees.

Ben. Act  
IN. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 541, sub-section (1)	Opening or using place for disposal of the dead without permission.	Five hundred rupees.
" 544, sub-section (1)	Register of burials or cremations.	Fifty rupees.
" 545, sub-section (1)	Making vault, grave, or interment, or disposing of corpse, or exhuming corpse, in certain cases, without permission.	Five hundred rupees.
" 550, sub-section (3)	Information to census enumerator.	One hundred rupees.
" 551, sub-section (1)	Certain persons to act as census enumerators, and to obey instructions of Superintendent.	One hundred rupees.
" 552, sub-section (2)	Occupier to fill up census form and deliver same to Superintendent's delegate.	One hundred rupees.
" 572, sub-section (2)	Preventing inspection of board showing bye-laws, rules, or regulations.	Fifty rupees.

Ben. Act  
III. 1899,  
s. 574.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Section 572, sub-section (3)	Destroying, &c., board showing bye-laws, rules, or regulations.	Ten rupees.
" 586, sub-section (6)	Production of license or written permission.	Fifty rupees.
" 622, sub-section (3)	Occupier to afford facilities to owner for complying with Act, rules, bye-laws, regulations, and requisitions.	Fifty rupees.
Schedule XVI., rule 2, sub-rule (1)	Placing service-privy on upper floor.	Twenty rupees.
Schedule XVI., rule 2, sub-rule (1), proviso	Requisition to pay sum for removing sewage from service-privy situated on upper floor.	Twenty rupees.
Schedule XVI., rule 2, sub-rule (2)	Requisition to convert service-privy into a connected privy.	Twenty rupees.
Schedule XVI., rule 3, sub-rule (1)	Requisition to form a passage giving access to a privy from the street.	Twenty rupees.

Ben. Act  
III. 1899,  
s. 575.

1	2	3
Clauses.	Subject.	Fine which may be imposed.
Schedule XVI., rule 16	Requisition to alter privy or urinal erected or re-erected after commencement of Act.	Twenty rupees.
Schedule XVI., rule 2, sub-rule (2), rule 3, or rule 16, read with rule 17, sub-rule (2)	Requisition to convert service-privy into a connected privy, to form a passage giving access to a privy from the street, or to alter privy or urinal, where the privy or urinal was erected before commencement of Act.	Twenty rupees.

Continuing offences in certain cases punishable after a first conviction with a daily fine.

**575.** Whoever, after having been convicted of—

- (a) contravening any provision of any of the clauses of this Act mentioned in the first column of the following table; or
- (b) contravening any provision of any rule or regulation made under any of the said clauses; or
- (c) failing to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under any of the said clauses, rules, or regulations,

continues to contravene the said provision, or to neglect to comply with the said direction or requisition, as the case may be, Ben. Act  
III. 1899,  
s. 575.

shall be punished, for each day after the first during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

*Explanation.*—The entries in the second column of the following table, headed "Subject," are not intended as definitions of the offences described in the clauses mentioned in the first column, or even as abstracts of those clauses, but are inserted merely as references to the subject of the clause, the number of which is given in the first column.

1	2	3
Clauses.	Subject.	Daily fine which may be imposed.
Section 143, sub-section (2)	Requisition by auditors to produce documents, &c.	Seventy rupees.
" 195 ...	Requisition on livery stable-keeper to produce books and accounts for inspection.	Twenty rupees.
" 201 ...	Requisition on occupier to forward list of companies, associations, or bodies of individuals or persons carrying on profession, trade, or calling in his premises.	Twenty rupees.

Ben. Act  
III. 1899,  
s. 575.

1	2	3
Clauses.	Subject.	Daily fine which may be imposed.
Section 262 ...	Replacing or alteration of fittings for supply of filtered water for the flushing of privies or urinals.	Five rupees.
" 268, sub-section (1)	Waste of water supplied to premises.	Five rupees.
" 284 ...	Requisition to fill up well.	Five rupees.
" 292, sub-section (1)	Constructing railway, private street, wall, or other structure over municipal drain.	Ten rupees.
" 296, sub-section (1)	Unlawfully connecting house-drain with municipal drain.	Ten rupees.
" 297 ...	Requisition to connect one house-drain with another.	Five rupees.
" 299 ...	Requisition to make house-drain, and provide appliances or fittings, or to remove house-drain, &c.	Five rupees.
" 300 ...	Requisition to make house-drain.	Five rupees.

Ben. Act  
III. 1899,  
s. 575.

1	2	3
Clauses.	Subject.	Daily fine which may be imposed.
Section 305, clause (a)	Requisition to repair, flush, cleanse, or empty house- drain.	Five rupees.
" 310, sub- section (3)	Keeping a public privy or urinal without license, or suffering a licensed pub- lic privy or urinal to be in a filthy or noxious state.	Fifty rupees.
" 312 ...	Requisition to provide privy or urinal for build- ing land or bustee.	Five rupees.
" 313 ...	Requisition to provide pri- vies and urinals for pre- mises used by large num- bers of people.	Twenty ru- pees.
" 320, sub- section (1)	Requisition to close, re- move, renew, or take other order with, house-drain, ventilation-shaft, or pipe, cesspool, house-gully, pri- vy, or urinal.	Five rupees.
" 325, sub- section (2)	Requisition to remove filth receptacle situated with- in fifty feet of tank, water- course, or reservoir.	Three rupees.

Ben. Act  
III. 1899,  
s 575.

1	2	3
Clauses.	Subject.	Daily fine which may be imposed.
Section 328, clause (b)	Requisition to alter, pave, &c., house-drain, cess-pool, privy, or urinal.	Twenty rupees.
" 340, sub-section (1)	Erection or re-erection of verandah supported by pillars resting on street.	Fifty rupees.
" 340, sub-section (2)	Placing roof on certain verandahs.	Fifty rupees.
" 340, sub-section (3)	Putting up verandahs, &c., to project over street, without permission.	Fifty rupees.
" 340, sub-section (5)	Requisition to comply with condition subject to which permission was given to put up verandahs, &c., to project over street.	Twenty rupees.
" 340, sub-section (6)	Requisition to remove verandahs, &c., projecting over street.	Twenty rupees.
" 341, sub-section (1)	Requisition to remove or alter fixture.	Twenty rupees.

Ben. Act  
III. 1899,  
s. 575.

1	2	3
Clauses.	Subject.	Daily fine which may be imposed.
Section 343 ...	Requisition to repair, &c., building, tank, &c., dangerous to passengers or persons living in the neighbourhood.	Fifty rupees.
„ 344, sub-section (1)	Erection or maintenance of sky-sign without permission.	Fifty rupees.
„ 352, sub-section (1)	Requisition to set back building or wall.	Twenty rupees.
„ 359 ...	Unlawfully making or laying out a private street.	Fifty rupees.
„ 361, sub-section (1)	Requisition to level, &c., a private street.	Ten rupees.
„ 368, sub-section (1)	Construction of external roofs or walls of buildings with inflammable materials.	Five rupees.
„ 368, sub-section (2)	Requisition to remove or alter external roof or wall made of inflammable material.	Five rupees.

Ben. Act  
III, 1899,  
s. 575.

1	2	3
Clauses.	Subject.	Daily fine which may be imposed.
Section 369 ...	Requisition to provide building with external doors or doorways, or to cause the external doors thereof to open upwards.	Ten rupees.
„ 408 ...	Requisition to carry out in bustee improvements indicated in schedule annexed to report of medical officer and engineer.	Twenty rupees.
„ 421 ...	Requisition to cleanse bustee ...	Ten rupees.
„ 426, sub-section (1)	Requisition to alter situation of gas-pipe or gas-work laid in street.	Ten rupees.
„ 427, sub-section (1)	Constructing railway, private street, building, wall, or other structure over municipal gas-pipe.	Twenty rupees.
„ 429, sub-section (2)	Provision of land in bustee when required for deposit or disposal of rubbish, &c.	Three rupees.
„ 436, sub-section (5)	Allowing filthy matter to flow or soak from premises, or create a nuisance.	Ten rupees.

Ben. Act  
III. 1899,  
s. 575.

1	2	3
Clauses.	Subject.	Daily fine which may be imposed.
Section 441 ...	Requisition to secure, enclose, cleanse, or clear building or land which is untenanted, filthy, or a nuisance.	Five rupees.
442, sub-section (1)	Requisition to take down, repair, or secure building or fixture in a ruinous state, &c.	One hundred rupees.
" 445, sub-section (1)	Requisition to abate overcrowding in building or room.	Five rupees.
" 445, sub-section (4)	Requisition to vacate overcrowded building or room.	Five rupees.
" 446, sub-section (1)	Requisition to execute works or take measures with respect to building or block of buildings in order to prevent risk of disease.	Twenty rupees in the case of a masonry building or block of masonry buildings, and five rupees in the case of a hut or block of huts.

Ben. Act  
III. 1899,  
§. 575.

1	2	3
Clauses.	Subject.	Daily fine which may be imposed.
Section 447, sub-section (1)	Requisition to cleanse, fill up, or dewater well, tank, or marshy ground, or to drain off or remove waste or stagnant water.	Five rupees.
" 448, sub-section (4)	Requisition to fill up excavation, cesspool, tank, well, or pit unlawfully made.	Five rupees.
" 451, sub-section (1)	Requisition to stop work pending decision of Magistrate.	Twenty rupees.
" 453 ...	Keeping of animals ...	Five rupees.
" 455, sub-section (5)	Keeping milch-cattle in declared area for the purpose of supplying milk for sale.	Five rupees.
" 455, sub-section (6)	Removal from declared area of milch-cattle kept for the purpose of supplying milk for sale.	Five rupees.
" 457 ...	Direction to discontinue use of building as a stable, cattle-shed, or cow-house.	Five rupees.

Ben. Act  
III. 1899,  
s. 575.

1	2	3
Clauses.	Subject.	Daily fine which may be imposed.
Section 464, sub-section (1)	Requisition for cleansing or ventilating factory, &c., or for abating overcrowding, or preventing danger therein.	Twenty-five rupees.
„ 466, sub-section (1)	Carrying on certain trades without license, or contrary to terms of license.	Fifty rupees.
„ 466, sub-section (2)	Affixing board on licensed premises, showing licensee's name, &c.	Five rupees.
„ 469, sub-section (5)	Using premises in declared area for any purpose referred to or mentioned in section 466.	Five rupees.
„ 470, sub-section (1)	Requisition to discontinue use of premises for certain trades near dwelling-houses.	Fifty rupees.
„ 472, sub-section (1)	Fouling water in carrying on trade or manufacture.	Two hundred rupees.
„ 476, sub-section (2)	Washing of clothes by washermen at unauthorized places.	Five rupees.

Ben. Act  
III. 1899,  
s. 575.

1	2	3
Clauses.	Subject.	Daily fine which may be imposed.
Section 481, sub-section (1)	Keeping open private market, or using place as slaughter-house, without license, or contrary to terms of license.	Twenty-five rupees.
„ 482, ...	Permitting place to be used as a private market without license.	Fifty rupees.
„ 485, sub-section (1)	Requisition to pave and drain private market, bazar, private slaughter-house, or place set apart for sacrifice of animals.	Ten rupees.
„ 487 ...	Requisition to set out, clean, widen, maintain, or alter approaches, roads, paths, or ways to or in a private market or bazar.	Ten rupees.
„ 494 ...	Carrying on trade of butcher or seller of meat without license, or contrary to terms of license.	Ten rupees.
„ 517, sub-section (1)	Requisition on occupier to vacate building or part thereof to admit of disinfection.	Ten rupees.

Ben. Act  
III. 1899,  
s. 575.

1	2	3
Clauses.	Subject.	Daily fine which may be imposed.
Section 539 ...	Registration of place for disposal of the dead, and depositing of plan in municipal office.	Fifty rupees.
" 586, sub-section (6)	Production of license or written permission.	Ten rupees.
" 622, sub-section (3)	Occupier to afford facilities to owner for complying with Act, rules, bye-laws, regulations, and requisitions.	Twenty rupees.
Schedule XVI., rule 2, sub-rule (1)	Placing service-privy on upper floor.	Five rupees.
" " rule 2, sub-rule (2)	Requisition to convert service-privy into a connected privy.	Five rupees.
" " rule 3, sub-rule (1)	Requisition to form a passage giving access to a privy from the street.	Five rupees.
" " rule 16.	Requisition to alter privy or urinal erected or re-erected after commencement of Act.	Five rupees.

Ben. Act  
III. 1899,  
ss. 576,  
577.

1	2	3
Clauses.	Subject.	Daily fine which may be imposed.
Sched. XVI., rule 2, sub-rule (2), rule 3, or rule 16, read with rule 17, sub-rule (2)	Requisition to convert service-privy into a connected privy, to form a passage giving access to a privy from the street, or to alter privy or urinal, when the privy or urinal was erected before commencement of Act.	Five rupees.

**576.** Whoever contravenes any provision of any regulation made under section 525 shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code.\*

**577.** If the Chairman, Vice-Chairman, or Deputy Chairman, or any municipal officer, or servant, knowingly acquires, directly or indirectly, by himself or a partner or employer or employé, otherwise than as such Chairman, Vice-Chairman, Deputy Chairman, officer, or servant, any share or interest in any contract or employment with, by, or on behalf of, the Corporation,

not being a share or interest such as, under clause (ii) or clause (iv) of section 39, it is permissible for a Commissioner to have without being thereby disqualified for being a Commissioner,

\* Act XLV. of 1860.

he shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.\*

Ben. Act  
III. 1899,  
ss. 578,  
579.

**578.** (1) If any person owns or is in charge of any carriage or animal liable to the tax imposed under Chapter XIII., or

if any company, association, or body of individuals or person exercises, on or after the first day of July in any year, any profession, trade, or calling referred to in Chapter XIV., or

if any person exercises, on or after the first day of June or the first day of December in any year, any calling referred to in Chapter XV.,

without having the license prescribed by those chapters, respectively, he or it shall be punished with fine which may extend to three times the amount payable in respect of such license, and shall not be less than one-and-a-half times such amount.

(2) Such fine, when levied, shall be taken in full in satisfaction of the demand on account of such license.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 194, fails to pay such sum, the amount due for a license being taken as the amount so compounded for.

Fine for unlawfully commencing, carrying on, or completing building work.

**579.** If the erection or re-erection of any building—

(a) is commenced without obtaining the permission of the Chairman, or (where an appeal of reference has been made to the General Committee) in contravention of any orders passed by the General Committee, or

Ben. Act  
III. 1899,  
ss. 580,  
581.

(b) is carried on or completed otherwise than in accordance with the particulars on which such permission or orders was or were based, or

(c) is carried on or completed in breach of any provision contained in this Act, or in any rules or bye-laws made hereunder, or of any direction or requisition lawfully given or made under this Act or such rules or bye-laws, or

if any alterations required by any notice issued under section 383 be not duly made, or

if any alteration of, or addition to, any building, or any other work made or done for any purpose in, to, or upon any building, is commenced, carried on, or completed in breach of section 391, section 402, or section 403,

the owner of the building shall be liable to fine which may extend, in the case of a masonry building, to five hundred rupees, and in the case of a hut to fifty rupees; and to further fine which may extend, in the case of a masonry building, to one hundred rupees, and in the case of a hut to ten rupees for each day during which the offence is continued after the first day.

**580.** If any person to whom a direction to demolish or

Fine for disobedience of direction for demolition or alteration where building work unlawfully commenced, carried on, or completed.

alter work is given under clause (i) of section 449 fails to obey the same, he shall be liable to fine which may extend, in the case of a masonry building, to five hundred rupees, and in the case of a hut to fifty rupees; and to further fine which may extend, in the case of a masonry building, to one hundred rupees, and in the case of a hut to ten rupees, for each day during which he so fails after the first day.

**581.** If any person to whom a direction to demolish or

Fine for disobedience of direction for demolition or alteration in other cases.

alter is given under clause (a) of section 450 fails to obey the same, he shall be liable to fine which may extend to one hundred rupees, and to further fine

Ben. Act  
III. 1899,  
ss. 582,  
583.

which may extend to fifty rupees for each day during which he so fails after the first day.

**582.** When a building has been erected, re-erected, altered, or added to after a statement has been made under rule 31 or rule 47 of Schedule XVII. that it was intended to use the building or any part thereof for any of the purposes specified in Schedule XVIII., or as a stable, cattle-shed, or cow-house, then any person putting the building or such part thereof to any use other than that so stated shall be liable,—

- (a) in the case of a masonry building, to fine which may extend to five hundred rupees, and to further fine which may extend to one hundred rupees for every day after the first during which he continues such use, and
- (b) in the case of a hut, to fine which may extend to fifty rupees, and to further fine which may extend to ten rupees for every day after the first during which he continues such use.

**583.** When a building has been erected, re-erected, altered, or added to under this Act without any statement having been made under rule 31 or rule 47 of Schedule XVII. that it was intended to use the building or any part thereof for any of the purposes specified in Schedule XVIII., or as a stable, cattle-shed, or cow-house, then any person using the building or any part thereof for any of those purposes shall be liable,—

- (a) in the case of a masonry building, to fine which may extend to five hundred rupees, and to further fine which may extend to one hundred rupees for every day after the first during which he continues such use, and
- (b) in the case of a hut, to fine which may extend to fifty rupees, and to further fine which may extend to ten rupees for every day after the first during which he continues such use.

Ben. Act  
III. 1899,  
ss. 584-  
586.

**584.** Any mehter or other servant of the Corporation referred to in section 438, who withdraws from his duties in contravention of that section, shall be punished with fine which may extend to one hundred rupees, or with rigorous imprisonment for a term which may extend to three months, or with both, and shall forfeit any salary which may be due to him.

**585.** Any person who, in contravention of section 647 or section 648, obstructs or molests any person with whom the Chairman has entered into a contract, or removes any mark, shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to two months.

## PART X.

### CHAPTER XLV.—PROCEDURE.

#### *Licenses and Written Permissions.*

**586.** (1) Every license and written permission granted under this Act, or any rule, bye-law, or regulation made hereunder, shall specify the period for which, and the restrictions and conditions subject to which, the same is granted, and shall be signed by the Chairman.

(2) For every such license or written permission, a fee may be charged at such rate as may, from time to time, be fixed by the Chairman with the sanction of the Corporation.

(3) Subject to the provisions of proviso (1) to section 481, any license or written permission granted under this Act, or any rule, bye-law, or regulation made hereunder, may, at any time, be suspended or revoked by the Chairman if any of its restrictions or conditions is infringed or evaded by the grantee, or if the grantee is convicted of a

Ben. Act  
III. 1899;  
ss. 587,  
588.

breach of any of the provisions of this Act, or of any rule, bye-law, or regulation made hereunder, in any matter to which such license or permission relates.

(4) Any person whose license is suspended or revoked under sub-section (3) may appeal to the General Committee, whose decision shall be final.

(5) When any such license or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall, for all purposes of this Act, or any rule, bye-law, or regulation made hereunder, be deemed to be without a license or written permission until the Chairman's order for suspending or revoking the license or written permission is cancelled by him, or until the license or written permission is renewed, as the case may be.

(6) Every grantee of any such license or written permission shall at all reasonable times, while such license or written permission remains in force, produce the same at the request of the Chairman.

### *Public Notices and Advertisements.*

**587.** Every public notice given under this Act, or any rule, bye-law, or regulation made hereunder, shall be in writing under the signature of the Chairman,

and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum, or by advertisement in local newspapers, or by any two or more of these means, and by any other means that the Chairman may think fit.

**588.** Whenever it is provided by this Act, or any rule, bye-law, or regulation made hereunder, that notice shall be given by advertisement in local newspapers, or that a notification or any information shall be published in local newspapers, such notice, notification, or

Newspapers in which advertisements or notices to be published.

Ben. Act  
III. 1899,  
ss. 589-  
591.

information shall be inserted, if practicable, in at least two English newspapers and two vernacular newspapers published in Calcutta.

### *Evidence.*

**589.** Whenever, under this Act, or any rule, bye-law, or regulation made hereunder, the doing or the omitting to do anything, or the validity of anything, depends upon the approval, sanction, consent, concurrence, declaration, opinion, or satisfaction of—

(a) the Corporation, the General Committee, or the Chairman, or

(b) any municipal officer,

a written document, signed, in case (a), by the Chairman, and in case (b) by the said municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion, or satisfaction, shall be sufficient evidence of such approval, sanction, consent, concurrence, declaration, opinion, or satisfaction.

### *Signature and Service of Notices, &c.*

**590.** (1) Every license, written permission, notice, bill, signature on notices, schedule, summons, or other document &c., may be stamped. which is required by this Act, or by any rule, bye-law, or regulation made hereunder, to bear the signature of the Chairman or of any municipal officer, shall be deemed to be properly signed if it bears a facsimile of the signature of the Chairman or of such municipal officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal funds under section 112.

**591.** Notices, bills, schedules, summonses, and other documents required by this Act, or by any rule, bye-law, or regulation made hereunder, to be served upon, or issued, Notices, &c., by whom to be served or presented.

presented, or given to any person, shall be so served, issued, presented, or given by municipal officers or servants, or by other persons authorized by the Chairman in this behalf.

Ben. Act  
III. 1899,  
ss. 592,  
593.

**592.** When any notice, bill, schedule, summons, or other document is required by this Act, or by any rule, bye-law, or regulation made hereunder, to be served upon, or issued or presented to, any person, otherwise than as owner or occupier of any building or land, such service, issue, or presentation shall be effected—

- (a) by giving or tendering such document to such person ; or,
- (b) if such person is not found, by leaving such document at his last-known place of abode in Calcutta, or by giving or tendering the same to some adult male member or servant of his family ; or,
- (c) if such person does not reside in Calcutta, and his address elsewhere is known to the Chairman, by forwarding such document to him by post under cover bearing the said address ; or,
- (d) if none of the means aforesaid be available, by causing a notice on yellow paper, in the form prescribed in Schedule XXI., or in a form to the like effect, and setting forth the substance of such document, to be affixed on some conspicuous part of the building or land, if any, to which the document relates.

**593.** When any notice, bill, schedule, summons, or other document is required by this Act, or by any rule, bye-law, or regulation made hereunder, to be served upon, or issued or presented to, any person as owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and the service, issue, or presentation thereof shall be effected—

Ben. Act  
III. 1899,  
ss. 594,  
595.

- (a) by giving or tendering such document to the owner or occupier, or, if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land ; or,
- (b) if the owner or occupier is not found, by giving or tendering such document to some adult male member or servant of the family of the owner or occupier, or of any one of the owners or occupiers ; or,
- (c) if none of the means aforesaid be available, by causing a notice on yellow paper, in the form prescribed in Schedule XXI., or in a form to the like effect, and setting forth the substance of such document, to be affixed on some conspicuous part of the building or land to which the document relates.

Sections 591 to 593  
not to apply to Magis-  
trate's summons.

**594.** Nothing in sections 591, 592, and 593, shall apply to any summons issued under this Act by a Magistrate.

### *Powers of Entry.*

**595.** The Chairman may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection, survey, measurement, valuation, or inquiry, or execute any work which is authorized by this Act, or by any rule, bye-law, or regulation made hereunder, or which it is necessary, for any of the purposes or in pursuance of any of the provisions of this Act, or of any such rule, bye-law, or regulation, to make or execute :

Provided as follows—

- (a) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise ;
- (b) except when it is in this Act otherwise expressly provided, no dwelling-house, and no public

building or hut which is used as dwelling place, shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours' previous written notice of the intention to make such entry;

Ben. Act  
III. 1899,  
s. 596.

- (c) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed;
- (d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

**596.** (1) The Chairman may enter upon any land ad-

Power of entry on joining or within one hundred yards of  
lands adjacent to any works authorized by this Act, or  
works. any rule, bye-law, or regulation made

hereunder, for the purpose of depositing upon such land any soil, gravel, sand, lime, bricks, stone, or other materials, or of obtaining access to such works, or for any other purpose connected with the carrying on of such works.

(2) The Chairman shall, before entering upon any land under sub-section (1), give the owner and occupier three days' previous written notice of his intention to make such entry, and of the purpose thereof, and shall, if so required by the owner or occupier, set apart by sufficient fences so much of the land as may be required for the purposes mentioned in or referred to in the said sub-section.

(3) The Chairman shall not be bound to make any payment, tender, or deposit before entering upon any land under sub-section (1), but shall do as little damage as may be, and shall pay compensation to the owner and occupier of the land for such entry, and for any temporary damage that may be

**Ben. Act**  
**III. 1899,**  
**ss. 597,**  
**598.**

done in consequence thereof, and shall also pay compensation to the said owner for any permanent damage resulting therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the Chairman, he may appeal to the General Committee, whose decision shall be final.

### *Enforcement of Orders to Execute Work, &c.*

**597.** (1) When any requisition or order is made under this Act, or under any rule, bye-law, or regulation made hereunder, by written notice issued by any municipal authority, or by any municipal officer empowered under section 18 in this behalf, a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect.

(2) If, in any case not provided for in section 409 or section 448, sub-section (5), such requisition or order, or any portion thereof, is not complied with within the period so prescribed, the Chairman may, subject to the provisions of sections 598, 599, and 600, take such measures, or cause such work to be executed or such things to be done, as may, in his opinion, be necessary for giving due effect to the requisition or order so made; and, unless it is in this Act otherwise expressly provided, the expenses thereof shall be paid by the person, or by any one of the persons, to whom such requisition or order was addressed.

(3) The Chairman may take any measure, execute any work, or cause any thing to be done, under this section whether or not the person who has failed to comply with the requisition or order is liable to punishment, or has been prosecuted or sentenced to any punishment for such failure.

**598.** (1) When any notice referred to in section 597 has been served on any person, he may send, to the authority or officer by whom it was issued, a written objection setting

Submission of objections to complying with notice.

forth any reasons which he may desire to urge for the withdrawal or modification of the notice.

Ben. A&C  
III. 1899,  
ss. 599,  
600.

(2) If any such objection be sent in time to admit of orders being passed upon it before the expiration of the period prescribed in the notice, the execution of the work may be postponed until the authority or officer by whom the notice was issued has passed orders on the objection.

(3) If any such objection be sent in time to admit of the objector being heard in person before the expiration of the period prescribed in the notice, he shall be entitled to be so heard, and the objection shall be considered in his presence, at a time to be fixed by notice issued in this behalf.

**599.** (1) Instead of sending an objection under section 598, or at the time of sending such an objection, any person on whom a notice referred to in section 597 has been served may apply to the authority or officer by whom the notice was issued for an estimate of the expenses which would be incurred if the notice were enforced by a municipal authority; and, on receipt of such an application, the said authority or officer shall supply such estimate.

(2) If the said authority or officer fails to supply such estimate, not more than five rupees shall be charged to the said person for any work executed by a municipal authority by way of enforcing the said notice.

**600.** (1) If any estimate supplied under section 599 exceeds three hundred rupees, no work shall be executed by a municipal authority as aforesaid until the expiration of ten days from the date on which the estimate was so supplied.

(2) Within a period of seven days from the said date, the said person may apply in writing to have his objections to the execution of the work, or to the estimated cost of the work, determined by a Sub-Committee appointed under sec-

Ben. Act  
III. 1899,  
s. 601.

tion 95, or by the General Committee; and, if such application be made within the said period, no work shall be executed by any municipal authority by way of enforcing the said notice until the Sub-Committee or the General Committee, as the case may be, have disposed of such objections.

*Recovery of Expenses.*

**601.** (1) When a written notice issued under section 446, sub-section (1), for the removal of a building or block of buildings is not complied with, and the building or block has been demolished in pursuance of an order made by a Magistrate under section 450, or

when the Chairman removes any wall, fence, rail, post, platform, or other obstruction, projection, or encroachment, or any materials or goods, in exercise of the powers conferred by section 342,

the expenses incurred in effecting such demolition or removal shall be recoverable by sale of the materials or other things removed; and, if the proceeds of such sale do not suffice, the balance shall be paid by the owner of the said materials or things.

(2) But, if the expenses of the demolition or removal are in any case paid before the said materials or things are sold, the Chairman shall restore the materials or things to the owner thereof on his claiming the same at any time before they are sold or otherwise disposed of, and on his paying all other expenses, if any, incurred by the Chairman in respect thereof, or in respect of the intended sale or disposal thereof.

(3) If the said materials or things are not claimed by the owner thereof, they shall be sold by public auction, or otherwise disposed of as the Chairman may think fit, as soon as conveniently may be after one month from the date of their removal, whether the expenses of the removal have, in the meantime, been paid or not; and the proceeds, if any, of

Ben. Act  
III. 1899,  
ss. 602-  
604.

the sale or other disposal, remaining after defraying therefrom the costs of the sale or other disposal, and, if necessary, of the removal, shall, if not claimed by the owner within two months, be paid to the credit of the municipal funds, and shall be the property of the Corporation.

**602.** (1) Whenever under this Act, or any rule, bye-

Expenses to be payable on demand, and recoverable under Chapter XVIII.

law or regulation made hereunder, the expenses of any work executed or of any measure taken or thing done by or under the order of any municipal authority, any Magistrate or any municipal officer empowered under section 18 in this behalf are payable by any person, the same shall be payable on demand.

(2) If not paid on demand, the said expenses shall be recoverable by the Chairman, subject to the provisions of sub-section (2) of section 616, by distress and sale of the moveable property of the defaulter in the manner provided by Chapter XVIII.

**603.** (1) If the said expenses are payable by more than

Apportionment of expenses between owners or occupiers.

one owner, and the names of all such owners are entered in the assessment-book, the Chairman may apportion the expenses among such owners

(2) If the said expenses are payable by more than one occupier, and all such occupiers are known, the Chairman may apportion the expenses among such occupiers.

**604.** If the said expenses are due in respect of some

Recovery from occupier of expenses payable by owner.

work executed or thing done to, upon, or in connection with, some building or land, or of some measure taken with respect to some building or land, and the defaulter is the owner of such building or land, the amount thereof may be demanded from any person who, at any time before the said expenses have been paid, occupies the said building or land under the said owner; and, in the event of the said person failing to pay the same, they may be recovered by distress

**Beh. Act** and sale of the moveable property of the said person in the  
**III. 1899,** manner provided by Chapter XVIII.:  
**s. 605.**

Provided as follows—

- (a) unless the said person neglects or refuses, after request by the Chairman, truly to disclose the amount of the rent payable by him in respect of the said building or land, and the name and address of the person to whom the same is payable, the said person shall not be liable to pay on account of the said expenses any larger sum than, up to the time of demand, is payable by him to the owner on account of rent of the said building or land ; but it shall rest upon the said person to prove that the amount of the expenses demanded from him is in excess of the sum payable by him to the owner ;
- (b) the said person shall be entitled to credit in account with the owner for any sum paid by, or recovered from, him on account of the said expenses ;
- (c) nothing in the foregoing provisions of this section shall affect any agreement made between the said person and the owner of the building or land in his occupation respecting the payment of the expenses of any such work, thing, or measure as aforesaid.

**605.** Instead of recovering any such expenses as afore-

Power to accept agreement for payment of expenses in instalments.

said in any manner hereinbefore provided, the Chairman may, if he thinks fit, and with the approval of the General Committee, take an agreement, from the person liable for the payment thereof, to pay the same in instalments of such amounts, and at such intervals, as will secure the payment of the whole amount due, with interest thereon at the rate of six *per centum per annum*, within a period of not more than five years.

Ben. Act  
III. 1899,  
ss. 606-  
608.

**606.** If the expenses to be recovered have been incurred in respect of any work mentioned in section 260, section 297, section 299, section 301, clause (b), section 312, section 320, section 361, section 447, section 485, or section 487, clause (a), the Chairman may, if he thinks fit, and with the approval of the Corporation, declare such expenses to be improvement expenses.

**607.** (1) Improvement expenses shall be a charge on the premises in respect of which, or for the benefit of which, the same have been incurred, and shall be recoverable in instalments of such amounts, not being less for any premises than twelve rupees *per annum*, and at such intervals, as will suffice to discharge such expenses, together with interest thereon at the rate of six *per centum per annum*, within such period not exceeding thirty years as the Chairman, with the approval of the Corporation, may in each case determine.

(2) The said instalments shall be payable by the occupier of the premises on which the expenses are so charged,

or, in the event of the said premises becoming unoccupied at any time before the expiration of the period fixed for the payment of such expenses, or before the same, with interest as aforesaid, are fully paid off, by the owner for the time being of the said premises, so long as the same continue to be unoccupied.

**608.** (1) Where the occupier by whom any improvement expenses are paid holds the premises, on which the expenses are charged, at a rent not less than the letting-value, he shall be entitled to deduct three-fourths of the amount paid by him on account of such expenses from the rent payable by him to his landlord ;

and, if he holds at a rent less than the letting-value, he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the amount paid by him

**Ben. Act** on account of such expenses as his rent bears to the letting-  
**III. 1899,** value.

**ss. 609-  
611.**

(2) If the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made, and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof :

Provided that nothing in this sub-section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

**609.** At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Chairman such part of the said expenses as have not been defrayed by sums already levied in respect of the same.

**610.** Any instalment payable under section 605 or section 607, which is not paid when the same becomes due, may be recovered by the Chairman by distress and sale, in the manner provided by Chapter XVIII., of the moveable property of the person by whom it is due.

**611.** Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act, or under any rule, bye-law, or regulation made hereunder, the occupier, if any, of such building or land may, with the approval of the Chairman, execute the said work, and he shall be entitled to recover from the owner the reason-

Power to redeem  
charge for improve-  
ment expenses.  
Recovery of instal-  
ments due under sec-  
tion 605 or 607.  
Execution of work  
by occupier in default  
of owner, and deduc-  
tion of expenses from  
rent.

able expenses incurred by him in so doing, and may deduct the amount thereof from the rent which, from time to time, becomes due by him to the owner.

Ben. Act  
III. 1899,  
ss. 612,  
613.

Recovery from owner of cost of work executed by or in default of occupier.

**612.** When any work is executed by the occupier of any building or land on the requisition of any municipal authority, or

when the cost of any work executed by any municipal authority is recovered from such occupier,

then, if the Chairman certifies that the expenses of such work, or such cost, as the case may be, ought to be borne by the owner of the building or land, the said occupier may deduct the amount thereof from the rent payable to such owner, or may recover the same from him in any Court of competent jurisdiction.

**613.** (1) When any person, by reason of his receiving the rent of immoveable property as agent or trustee, or of his being, as agent or trustee, the person who would receive the rent if the property were let to a tenant, would, under this Act, be bound to discharge any obligation imposed by this Act, or any rule, bye-law, or regulation made hereunder, on the owner of the property, and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the owner sufficient for the purpose.

(2) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

(3) When any agent or trustee has claimed and established his right to relief under this section, the Corporation may give him notice to apply, to the discharge of such obligation as aforesaid, the first moneys which shall come to his hands on behalf or for the use of the owner; and, should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

Ben. Act  
III. 1899,  
ss. 614-  
616.

*Payment of Compensation.*

**614.** In any case not otherwise expressly provided for in this Act, the Chairman may, with the approval of the General Committee, pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act, or any rule, bye-law, or regulation made hereunder, in any municipal authority, officer, or servant.

**615.** (1) If, on account of any act or omission, any person has been convicted of an offence against this Act, or any rule, bye-law, or regulation made hereunder, and, by reason of the same act or omission of the said person, damage has occurred to any property of the Corporation, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for the said offence.

(2) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence; and, on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

*Recovery of Expenses or Compensation in case of Dispute.*

**616.** (1) If, when the Chairman demands payment of any expenses under section 602, his right to demand the same or the amount of the demand is disputed, the Chairman shall refer the case for the determination of the Court of Small Causes, or, if the amount involved exceeds two thousand rupees, to the High Court.

Reference by Chairman to Small Cause Court or High Court in certain cases.

(2) The Chairman shall, pending the decision on any such reference, defer further proceedings for the recovery of the sum claimed by him, and shall, after the decision, proceed to recover only such amount, if any, as is thereby declared to be due.

Ben. Act  
III. 1899,  
ss. 617-  
619.

**617.** Where, in any case not provided for by section 616, any municipal authority or person is required, by or under this Act, or any rule, bye-law, or regulation made hereunder, to pay any expenses or any compensation, the amount to be so paid, and, if necessary, the apportionment of the same, shall, in case of dispute, be determined, except as is otherwise provided in section 505, sub-section (3), section 518, section 596, section 615, and section 632, and in the Land Acquisition Act, 1894,\* as amended by section 557 of this Act, by the Court of Small Causes, on application being made to it for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

**618** If the amount of any expenses or compensation ascertained in accordance with section 617 is not paid on demand by the person liable to pay the same, it shall be recoverable as if the same were due under a decree of the Court of Small Causes.

**619** Instead of proceeding in any manner herein-before prescribed for the recovery of any expenses or compensation of which the amount due has been ascertained as herein-before provided, or after such proceedings have been taken unsuccessfully, or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by suit brought in any Court of competent jurisdiction against the person liable for the same.

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\* Act I. of 1894.

Ben. Act  
III. 1899,  
ss. 620-  
622.

*Recovery of Certain Dues.*

Recovery of certain dues. **620.** Any sum due to the Corporation,—

- (a) for water supplied or taken under section 254 or section 279, sub-section (1), or
- (b) on account of any fee imposed under section 431, clause (b), section 458, sub-section (2), section 475, or section 520, clause (a), or
- (c) on account of any fee imposed under sub-section (2) of section 481 in respect of any place set apart under proviso (iii) to sub-section (1) of that section,

shall be recoverable in the manner provided by Chapter XVIII. for the recovery of the consolidated rate.

*Limitation of Time for Appeal.*

**621.** In any case in which no time is prescribed by the foregoing provisions of this Act for the presentation of an appeal allowed thereunder, such appeal, subject to the provisions of section 5 of the Indian Limitation Act, 1877,\* must be presented within thirty days after the date of the order or proceeding against which the appeal is made.

*Obstruction of Owner by Occupier.*

Application to Chief Judge by owner when occupier prevents his complying with Act, &c. **622.** (1) If the owner of any building or land is prevented by the occupier thereof from complying with

any provision of this Act, or any rule, bye-law, or regulation made hereunder, or

any requisition made hereunder, or under any such rule, bye-law, or regulation,

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\* Act XV. of 1877.

in respect of such building or land,

Ben. Act  
III. 1899,  
s. 623.

the owner may apply to the Chief Judge of the Court of Small Causes of Calcutta.

(2) The said Chief Judge, on receipt of any such application, may make a written order requiring the occupier of the building or land to afford all reasonable facilities to the owner for complying with the said provision or requisition, and may also, if he thinks fit, direct that the costs of such application and order be paid by the occupier.

(3) After eight days from the date of any such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid as may be prescribed in the said order; and, in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

*Proceedings before Courts of Small Causes.*

**623.** (1) For the purposes of any inquiry or proceeding under this Act, a Court of Small Causes may summon and enforce the attendance of witnesses, and compel them to give evidence, and compel the production of documents, by the same means, and, as far as is possible, in the same manner, as is provided by the Presidency Small Cause Courts Act, 1882,\* or the Provincial Small Cause Courts Act, 1887,† as the case may be; and, in all matters relating to any such inquiry or proceeding, the said Court shall be guided generally by the provisions of the said Presidency Small Cause Courts Act,\* or the said Provincial Small Cause Courts Act,† as the case may be, so far as the same are applicable.

(2) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made

\* Act XV. of 1882.

† Act IX. of 1887.

Ben. Act fails to appear, notwithstanding that he has been duly summoned for this purpose, the said Court may hear and determine the case in his absence.

III. 1899.  
s. 624.

(3) The costs of every such inquiry or proceeding, as determined by the said Court, shall be payable by such parties, and in such proportions, as the said Court may direct; and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Court.

**624.** (1) The Local Government may, by notification in the Calcutta Gazette, prescribe what fees in proceedings before Small Cause Courts, fee, if any, shall be paid—

(a) on any application, appeal, or reference made under this Act to a Court of Small Causes; and

(b) previous to the issue, in any inquiry or proceeding of any such Court under this Act, of any summons or other process:

Provided that the fees, if any, prescribed under clause (a), shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fees at the time being levied, under the provisions of the Presidency Small Cause Courts Act, 1882,\* in cases in which the value of the claim or subject-matter is of like amount.

(2) The Local Government may, by a like notification, determine by what person any fee prescribed under clause (a) shall be payable.

(3) No application, appeal, or reference shall be received by any Court of Small Causes until the fee, if any, prescribed therefor under clause (a) has been paid:

Provided that the Court may, whenever it thinks fit, receive an application, appeal, or reference made by or on

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\* Act XV. of 1882.

behalf of a poor person, and may issue process on behalf of any such person, without payment or on part-payment of the fees prescribed under this section.

Ben. Act  
III. 1899,  
ss. 625-  
628.

**625.** Whenever any application, appeal, or reference made to a Court of Small Causes under this Act is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Court to the parties by whom the same have respectively been paid.

**626.** The expression "a Court of Small Causes," as used in sections 623, 624, and 625, shall be deemed to include the Chief Judge of the Court of Small Causes of Calcutta.

Application of sections 623 to 625 to the Chief Judge.

**627.** The Chief Judge of the Court of Small Causes of Calcutta may—

- (a) delegate, either generally or specially, to any other Judge of the said Court, his power to receive applications under this Act, and to discharge any other duty in connection with such applications except the hearing and adjudication thereof; and
- (b) make rules providing for any matter connected with the exercise of the jurisdiction conferred upon him by this Act which is not herein specifically provided for.

#### *Proceedings before Magistrates.*

**628.** (1) The Local Government may appoint one or more Magistrates for the trial of offences against this Act, and the rules, bye-laws, and regulations made hereunder, and may prescribe the times and places at which such Magistrate or Magistrates shall sit for the despatch of business.

Ben. Act  
III. 1899,  
ss. 629-  
631.

(2) Such Magistrates shall be called Municipal Magistrates, and shall be paid such salary out of the municipal funds as may, from time to time, be fixed by the Local Government.

(3) Each such Magistrate shall have jurisdiction over the whole of Calcutta.

**629.** All offences against this Act, or against any rule, Cognizance of of- bye-law, or regulation made hereunder, fences. whether committed within or without Calcutta, shall be cognizable by a Magistrate having jurisdiction in Calcutta; and such Magistrate shall not be deemed to be incapable of taking cognizance of any such offence, or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal rate or other tax, or of his being benefited by the municipal funds to the credit of which any fine imposed by him will be payable.

**630.** If any person summoned to appear before a Magistrate to answer a charge of an offence against this Act, or any rule, Power to hear case in absence of accused when summoned to appear. bye-law, or regulation made hereunder, fails to appear at the time and place mentioned in the summons, the Magistrate may, if service of the summons is proved to his satisfaction, and if no sufficient cause is shown for the non-appearance of such person, hear and determine the case in his absence.

**631.** (1) No person shall be liable to punishment for any offence against this Act, or any Limitation of time for prosecution. rule, bye-law, or regulation made hereunder, unless complaint of such offence is made before a Magistrate within three months, or, if the offence be against the provisions of section 156, within six months, next after the commission of such offence.

(2) Failure to take out a license under this Act shall be deemed, for the purposes of sub-section (1), to be a continuing offence until the expiration of the period for which the license is required to be taken out.

Ben. Act  
III. 1899,  
ss. 632  
633.

**632.** (1) The Chairman or any person who resides in Calcutta may complain to a Magistrate of the existence of any nuisance.

(2) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may, if he sees fit, by written order direct the Chairman—

(a) to put in force any of the provisions of this Act, or the rules, bye-laws, or regulations made hereunder, or to take such measures as to such Magistrate may seem practicable and reasonable for preventing, abating, diminishing, or remedying such nuisance;

(b) to recover the expenses of so doing from any person specified in this behalf in such order; and

(c) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(3) It shall be incumbent on the Chairman to obey every such order.

(4) Nothing in this section shall be taken to exempt any person committing a nuisance from liability to be proceeded against under any other law in respect of such nuisance:

Provided that no person shall be punished twice for the same offence.

### *Legal Proceedings.*

**Powers of Chairman**  
as to institution, &c.,  
of legal proceedings,  
and obtaining legal  
advice.

**633.** The Chairman may, subject to the control of the Corporation,—

(a) institute, defend, or withdraw from legal proceedings under this Act, or any rule, bye-law, or regulation made hereunder;

**Ben. Act**  
**III. 1899,**  
**s. 634.**

- (b) compound any offence against this Act, or any rule, bye-law, or regulation made hereunder, which, under any law for the time being in force, may lawfully be compounded;
- (c) admit, compromise, or withdraw any claim made under this Act, or any rule, bye-law, or regulation made hereunder; and
- (d) obtain such legal advice and assistance as he may, from time to time, think it necessary or expedient to obtain, or as he may be desired by the Corporation or the General Committee to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority, officer, or servant.

**634.** (1) No suit shall be instituted against any municipal authority, officer, or servant, or any person acting under the direction of any municipal authority, officer, or servant, in respect of any act purporting to be done under this Act, or any rule, bye-law, or regulation made hereunder, until the expiration of one month next after written notice has been delivered or left at the municipal office or the place of abode of such officer, servant, or person, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaintiff must contain a statement that such notice has been so delivered or left.

(2) Every such suit must be commenced within three months next after the accrual of the right to sue.

(3) If any authority or person to whom any notice is given under sub-section (1) tenders sufficient amends to the plaintiff before the suit is instituted, the suit shall be dismissed.

(4) If no such tender be made, the defendant may pay into Court such sum of money as it or he thinks fit, and

thereupon such proceedings shall be had as in other cases in which defendants are allowed to pay money into Court.

Ben. Act  
III. 1899,  
ss. 635,  
636.

(5) Nothing in the foregoing sub-sections shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877.\*

**635.** No suit shall be maintainable against any municipal authority, officer, or servant, or any person acting under the direction of any municipal authority, officer, or servant, or of a Magistrate, in respect of anything lawfully, and in good faith, and with due care and attention, done under this Act, or any rule, bye-law, or regulation made hereunder.

## PART XI.

### CHAPTER XLVI.—SUPPLEMENTAL PROVISIONS.

#### *Alteration of Limits of Calcutta.*

**636.** The Local Government may, by notification published in the Calcutta Gazette, and in such other manner as the Local Government may determine, declare its intention—

- (a) to exclude from Calcutta any local area (not being within the ordinary original jurisdiction of the High Court at Fort William in Bengal) comprised therein, and defined in the notification, or,
- (b) at the request of the Corporation, to include within Calcutta any local area (other than Howrah) in the vicinity of the same, and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification

**Ben. Act** shall not be published under this section in respect of it  
**III. 1899,** without the previous sanction of the Government of India.  
**ss. 637,**  
**638.**

**637.** (1) Any inhabitant of Calcutta, or of a local area in respect of which a notification has been published under section 636, may, if he objects to the alteration proposed, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the Calcutta Gazette; and the Local Government shall take such objection into consideration.

(2) When six weeks from the publication of the notification in the Calcutta Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by notification in the Calcutta Gazette, exclude the local area from Calcutta, or include it therein, as the case may be.

Effect of exclusion of local area from Calcutta. **638.** (1) When a local area is excluded from Calcutta under section 637,—

(a) this Act, and all rules, bye-laws, regulations, orders, directions, and powers made, issued, or conferred hereunder, shall cease to apply thereto; and

(b) the Local Government shall, after consulting the Corporation, frame a scheme determining what portion of the balance of the municipal funds and other property vested in the Corporation shall vest in Her Majesty for the benefit of the local area, and in what manner the liability of the Corporation shall be apportioned between the Corporation and the Secretary of State for India in Council; and, on the publication of the scheme in the Calcutta Gazette, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section (1) shall be applied, under the orders of the Local

Government, to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare, or convenience of the inhabitants of the said local area.

Ben. Act  
III. 1899,  
ss. 639-  
641.

**639.** When any local area is included in Calcutta un-

Effect of including local area in Calcutta. der section 637, this Act, and, except as the Local Government may otherwise by notification in the Calcutta Gazette direct, all rules, bye-laws, regulations, orders, directions, and powers made, issued, or conferred hereunder, and in force throughout Calcutta at the time the local area is so included, shall apply in such area.

*Extension of Act to Howrah.*

**640.** The Local Government may, by notification

Notification of intention to extend Act to Howrah. published in the Calcutta Gazette, and in such other manner as the Local Government may determine, declare

its intention to extend to the town of Howrah, or any part thereof, subject to the modifications and restrictions (if any) specified in such notification, all or any portions of this Act which do not already apply thereto.

**641. (1)** The Commissioners of the Municipality of

Extension of Act after considering objections. Howrah, or any inhabitants thereof, may, if they object to such extension, submit their objection in writing to the

Local Government within such period as may be specified in this behalf in the said notification; and the Local Government shall take such objections into consideration.

(2) When the said period has expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by notification in the Calcutta Gazette, extend to the town of Howrah, or to the part thereof specified in the notification published under section 640, as the case may be, all or any of the portions of this Act which were specified in the said notification, subject to the modifications and restrictions (if any) specified in that notification, or sub-

Ben. Act III. 1899, ss. 642, 643. subject to such other modifications or restrictions (if any) as the Local Government may think fit, or without modification or restriction of any kind.

**642.** If all or any portions of this Act which do not already apply to the town of Howrah be extended to that town or any part thereof under section 641, then—

(a) the Bengal Municipal Act, 1884,\* or the corresponding portions of that Act, as the case may be, shall be repealed in the said town or part on and from the date of such extension; and,

(b) except as the Local Government may otherwise by notification in the Calcutta Gazette direct, all rules, bye-laws, regulations, orders, directions, and powers made, issued, or conferred under the portions of this Act which have been so extended, and in force at the date of such extension, shall apply to the said town or part, in supersession of all corresponding rules, bye-laws, regulations, orders, directions, and powers made, issued, or conferred under the said Bengal Municipal Act, 1884.\*

*Explanation.*—The extension to the town of Howrah or any part thereof of any portion of this Act shall not have the effect of placing the said town or part under the authority of any municipal authority constituted or appointed for Calcutta.

#### *Police.*

Co-operation of the Police.

**643.** (1) The Commissioner of Police and his subordinates shall be bound—

(a) to co-operate with the Chairman for carrying into effect and enforcing the provisions of this Act, and for maintaining good order in Calcutta, and,

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\* Ben. Act III. of 1884.

- (b) on the order of a Magistrate, to assist the municipal authorities in carrying out any order made by a Magistrate under this Act for the demolition of a building. Ben. Act  
III. 1899,  
s. 644.

(2) It shall be the duty of every police-officer in Calcutta—

- (i) to communicate without delay to the proper municipal officer any information which he receives of a design to commit, or of the commission of, any offence against this Act, or any rule, bye-law, or regulation made hereunder, and
- (ii) to assist the Chairman or any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the Chairman or in such municipal officer or servant under this Act, or any such rule, bye-law, or regulation.

**644.** (1) Every police-officer shall arrest any person who commits in his view any offence against this Act, or any rule, bye-law, or regulation made hereunder, if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address, or gives a name or address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained, or, without the order of a Magistrate, for any longer time, not exceeding at the most twenty-four hours from the arrest, than is necessary for bringing him before a Magistrate.

(3) On the written application of the Chairman, the Engineer, or the Health Officer, any police-officer above the rank of constable shall arrest any person who obstructs any municipal officer or servant in the exercise of any of the powers conferred by this Act, or any rule, bye-law, or regulation made hereunder.

Ben. Act  
III. 1899,  
ss. 645-  
647.

*Miscellaneous.*

**645.** Whenever any right is conferred or duty imposed by or under this Act on the owner or occupier of any premises, and, in consequence of there being gradations of owners or occupiers, doubt arises as to who is the owner or occupier entitled to exercise such right, or bound to perform such duty, the General Committee may, after due inquiry, determine from time to time which of such owners or occupiers shall be deemed to be so entitled or bound :

Provided that, if the name of any one of such owners or occupiers has been entered in the assessment-book in pursuance of any decision given by the Chairman under section 165, sub-section (2), such owner or occupier shall be entitled or bound as aforesaid until his name is duly removed from the assessment-book.

**646.** The Chairman, the Vice-Chairman, the Deputy Commissioners, officers, servants, and tax-collectors deemed public servants. Chairman, every Commissioner, every municipal officer and servant, every contractor or agent for the collection of any municipal rate or other tax or fee, and every servant or other person employed by any such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.\*

**647.** No person shall obstruct or molest any person (not being a person referred to in section 646) with whom the Chairman has entered into a contract on behalf of the Corporation, in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Act, or any rule, bye-law, or regulation made hereunder.

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\* Act. XLV. of 1860.

Ben. Act  
III. 1899,  
ss. 648-  
651.

**648.** No person shall remove any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act, or any rule, bye-law, or regulation made hereunder.

*Special Provisions as to Land and Buildings in Hastings.*

**649.** Notwithstanding anything contained in this Act, all land and buildings belonging to the Government in that part of Hastings which is included in Calcutta shall be subject to the control of the General Officer Commanding the Presidency District.

Control by General Officer Commanding the Presidency District over Government land and buildings.

**650.** Notwithstanding anything contained in this Act,—

(a) permission to erect a masonry building in the said part of Hastings shall not be given, or be deemed to have been given, unless and until the sanction of the Government of India has been obtained; and

(b) such sanction shall not be applied for unless the plan of the building and the site-plan of the land are approved by the Commissioner of Police.

**651.** (1) If the erection or re-erection of any masonry building in the said part of Hastings is, after the commencement of this Act, commenced, carried on, or completed without obtaining the sanction of the Government of India, the General Committee shall, if requested by the General Officer Commanding the Presidency District so to do,—

Demolition of buildings erected or re-erected without such sanction.

(a) by written notice direct the owner to demolish the building, or

Ben. Act  
III. 1899,  
s. 65a &  
Sch. I.

(b) themselves cause the building to be demolished at the expense of the owner.

(2) No person shall be entitled to any compensation on account of such demolition.

**652.** Section 580 shall also apply when any direction is given under clause (a) of section 651.

Application of section 580 (fines).

## SCHEDULE I.

### "CALCUTTA."

[See section 3, clause (7).]

"Calcutta" is the area bounded as follows :—

by a line drawn along the southern and western bank of the Circular Canal from the River Hooghly to the point where it meets the Baliaghatta Canal; thence eastward along the southern bank of the Baliaghatta Canal to the point where it meets the Pagladanga Road; thence along the northern and eastern edge of the Pagladanga Road to the point where it meets the Chingrighatta Road; thence along the southern edge of the Chingrighatta Road to the point where it meets the South Tangra Road; thence along the eastern and southern edge of the South Tangra Road to the point where it meets the Tapsia Road; thence along the eastern, southern, and western edge of the Tapsia Road to the point where it meets the Tiljala Road; thence westward along the southern edge of the Tiljala Road to the South-Eastern State Railway; thence southward along the western edge of the line of that Railway, and westward along the northern edge of the Budge-Budge Branch of that Railway, to the Russa Road, South; thence southward along the eastern edge of Russa Road, South, to the point where it meets the Tollygunge Circular Road; thence along the southern edge of the Tollygunge Circular Road to the point where it meets the Shahapur Road; thence westward along the southern edge of the Shahapur Road and its continuations, the Guragacha Road and the Taratala Road, to the point where it meets the Sonai Road; thence northward along the western edge of the Taratala Road and the Nimakmehal

Ghat Road to the River Hooghly; and thence along the left bank of the River Hooghly to its junction with the Circular Canal,

Ben. Act  
III. 1899,  
Sch. II.,  
Rule 1.

except that it does not include—

- (1) Fort William,
- (2) the Esplanade, or
- (3) that part of Hastings north of the south edge of Clyde Road, and the new road to the river bank, which have hitherto been excluded from Calcutta.

## SCHEDULE II.

### RULES AS TO LICENSES ON THE EXERCISE OF PROFESSIONS, TRADES, AND CALLINGS.

(See sections 37, 49, 198, 199, 200, 467, and 567.)

1. Every license shall be granted under one or other of the classes mentioned in the second column of the following table, and there shall be paid for the same the fee mentioned in that behalf in the third column of the said table:—

1	2	3
Serial number.	Classes.	Fees.
	CLASS I.	
1	Company or association or body of individuals, the paid-up capital of which is equivalent to ten lakhs of rupees or upwards.	Two hundred rupees.

Ben. Act  
III. 1899,  
Sch. II.,  
Rule 1.

SCHEDULE II.—(contd.).

1	2	3
Serial number.	Classes.	Fees.
	CLASS II.	
2	Company or association or body of individuals which is not included in Class I.	One hundred rupees.
3	Merchant, banker, wholesale trader, commission agent, architect, civil engineer, builder, contractor, auctioneer, or carrier whose place of business is valued under Chapter XII. at Rs. 350 <i>per mensem</i> or upwards.	Ditto.
4	Lessee or owner of a cotton, jute, hide, or other screw, screw-house, or presshouse, ditto ...	Ditto.
5	Lessee or owner of a market, bazar, or theatre, or a place of public entertainment kept up for the purpose of profit, ditto ...	Ditto.

## SCHEDULE II.—(contd.).

Ben. Act  
III. 1899,  
Sch. II.,  
Rule 1.

1 Serial number.	2 Classes.	3 Fees.
	<p style="text-align: center;">CLASS II.—concl'd.</p>	
6	<p>Printer, lithographer, engraver, die-sinker, photographer, or phototyper,      whose place of    business is    valued under    Chapter XII. at    Rs. 350 <i>per</i>    <i>ensem</i> or up-    wards.</p>	One hundred rupees.
7	<p>Hotel-keeper, board- ing - house - keeper, lodging-house-keep- er, manufacturer, re- tail trader, or shop- keeper,      ditto      ...</p>	Ditto.
	<p style="text-align: center;">CLASS III.</p>	
8	<p>Practising surgeon, physician, dentist, barrister, attorney, vakeel of the High Court, proctor, notary public, public accountant, average adjuster, shroff, or banian.</p>	Fifty rupees.

Ben. Act  
III. 1899,  
Sch. II.,  
Rule 1.

## SCHEDULE II.—(contd.).

1	2	3
Serial number.	Classes.	Fees.
<b>CLASS III.—<i>contd.</i></b>		
9	Merchant, banker, wholesale trader, commission agent, architect, civil engineer, builder, contractor, auctioneer, or carrier, who is not included in Class II.	Fifty rupees.
10	Lessee or owner of a cotton, jute, hide, or other screw, screw-house, or press-house, ditto ...	
11	Lessee or owner of a market, bazar, or theatre, or a place of public entertainment kept up for the purpose of profit, ditto ...	Ditto.
12	Printer, lithographer, engraver, die-sinker, photographer, or phototyper, who is not included in Class II., and whose place of business is valued under Chapter XII. at Rs. 100 <i>per mensem</i> or upwards.	Ditto.

## SCHEDULE II.—(contd.).

Ben. Act  
III. 1899,  
Sch. II,  
Rule 1.

1	2	3
Serial number.	Classes.	Fees.
	CLASS III.— <i>concl'd.</i>	
13	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader, or shop-keeper, who is not included in Class II, and whose place of business is valued under Chapter XII. at Rs. 100 <i>per mensem</i> or upwards.	Fifty rupees.
14	Plumber or gas-fitter, whose place of business is valued under Chapter XII. at Rs. 100 <i>per mensem</i> or upwards.	Ditto.
	CLASS IV.	
15	Broker or dalal employed in the wholesale transfer or purchase of imports or exports, country produce, silk, or other merchandise. ....	Twenty-five rupees.

Ben. Act  
III. 1899,  
Sch. II.,  
Rule 1.

SCHEDULE II.—(*contd.*).

1	2	3
Serial number.	Classes.	Fees.
	<i>CLASS IV.—contd.</i>	
16	Purchaser of goods in Calcutta for transport and sale beyond the limits of Calcutta, who is not included in Class III.	Twenty-five rupees.
17	Broker or dealer in precious stones. ....	Ditto.
18	Broker or dealer in houses, landed property, Government securities, shares, or bills of exchange. ....	Ditto.
19	Surveyor or professional measurer. ....	Ditto.
20	Freight broker ... ..	Ditto.
21	Practising licentiate of medicine, practising apothecary, or practising veterinary surgeon. ....	Ditto.

## SCHEDULE II.—(contd.).

Ben. Act  
III. 1899,  
Sch. II.,  
Rule 1.

1	2	3
Serial number.	Classes.	Fees.
	CLASS IV.— <i>contd.</i>	
22	Keeper of a shop for the sale of any liquor or intoxicating drug, a punch-house, a music hall, or a billiard-room. ....	Twenty-five rupees.
23	Owner of a wholesale tobacco, jute, or other depôt. ....	Ditto.
24	Owner of a steam ferry boat or a cargo boat. ....	Ditto.
25	Pawnbroker or money-lender. ....	Ditto.
26	Pleader, mukhtar, or law agent who is not included in Class III.	Ditto.
27	Printer, lithographer, engraver, die-sinker, photographer, or phototyper, who is not included in Class II. or Class III., and whose place of business is valued under Chapter XII. at Rs. 25 <i>per mensem</i> or upwards.	Ditto.

Ben. Act  
III. 1899,  
Sch. II.,  
Rule 1.

## SCHEDULE II.—(contd.).

1	2	3
Serial number.	Classes.	Fees.
	CLASS IV.—concl'd.	
28	Hotel-keeper, boarding - house - keeper, lodging - house-keeper, manufacturer, retail trader, or shop-keeper,	
	who is not included in Class II. or Class III., and whose place of business is valued under Chapter XII. at Rs. 25 <i>per mensem</i> or upwards.	Twenty-five rupees.
29	Plumber or gas-fitter,	Ditto.
	who is not included in Class III., and whose place of business is valued under Chapter XII. at Rs. 25 <i>per mensem</i> or upwards.	
30	Carriage-dealer or horse-dealer,	Ditto.
	whose place of business is valued under Chapter XII. at Rs. 25 <i>per mensem</i> or upwards.	

## SCHEDULE II.—(contd.).

Ben. Act  
III. 1899,  
Sch. II.,  
Rule 1.

Serial number.	2	3
	Classes.	Fees.
	CLASS V.	
31	Broker or dalal who is not included in Class IV.	Twelve rupees.
32	Professional actor, singer, or musician. ....	Ditto.
33	Keeper of a permanent stall at a daily public market or bazar, or of a shop within fifty yards of a public market or bazar, who is a seller of goods similar in kind to other goods sold in such public market or bazar. ....	Ditto.
34	Poddar or money-changer. ....	Ditto.
35	Practising hakim, ko-biraj, native doctor, or midwife. ....	Ditto.
36	Order-supplier, coolie-supplier, shipping agent, or boat-supplier. ....	Ditto.

Ben. Act  
III. 1899,  
Sch. II.,  
Rule 1.

# SCHEDULE II.—(contd.).

Serial number.	1	2	3
		Classes.	Fees.
		CLASS V.— <i>contd.</i>	
37	Printer, lithographer, engraver, die-sinker, photographer, or phototyper,	who is not included in Class II., Class III., or Class IV., and whose place of business is valued under Chapter XII. at Rs. 10 <i>per mensem</i> or upwards.	Twelve rupees.
38	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader, or shop-keeper,	ditto ...	Ditto.
39	Plumber or gas-fitter	who is not included in Class III. or Class IV., and whose place of business is valued under Chapter XII. at Rs. 10 <i>per mensem</i> or upwards.	Ditto.

SCHEDULE II.—(*contd.*).Ben. Act  
III. 1899,  
Sch. II.,  
Rule 1.

1	2	3
Serial number.	Classes.	Fees.
	<p style="text-align: center;">CLASS V.—<i>concl'd.</i></p> <p>40 Carriage-dealer or horse-dealer who is not included in Class IV., and whose place of business is valued under Chapter XII. at Rs. 10 <i>per mensem</i> or upwards.</p> <p>41 Owner of any carriage, passenger boat, or palanquin which is let out for hire, whose place of business is valued under Chapter XII. at Rs. 10 <i>per mensem</i> or upwards.</p> <p>42 Band-supplier or stamp-vendor ditto ...</p> <p style="text-align: center;">CLASS VI.</p> <p>43 Keeper of a shop or other place of business who is not included in any other Class.</p>	<p>Twelve rupees.</p> <p>Ditto.</p> <p>Ditto.</p> <p>Four rupees.</p>

Ben. Act  
III. 1899,  
Sch. II.,  
Rules 2-4.

### SCHEDULE II.—(contd.).

1	2	3
Serial number.	Classes.	Fees.
<b>CLASS VI.—contd.</b>		
44	Pedlar, vendor of goods in carts, hawker, or box-wallah who is not included in Class VII.	Four rupees.
<b>CLASS VII.</b>		
45	Itinerant dealer hawking goods for sale in a basket or tray. ....	One rupee.

Licenses to be either personal or local.

2. (1) Licenses shall be either personal or local.

(2) "Local license" means—

(a) a license the classification of which depends on the valuation of the place of business; and

(b) a license granted under Class IV., number 22, number 23, number 24, or number 25; Class V., number 33; or Class VI., number 43.

3. No person shall in any case be required to take out more than one personal license; but if any person is liable under different classes, he must take out a license under the highest class under which he is liable.

4. When two or more persons carry on business jointly, they must take out a single license as a firm:

Personal license for members of firms.

## SCHEDULE II.—(contd.).

Ben. Act  
III. 1899,  
Sch. II.,  
Rules 5-9.

Provided that, if any of the partners of such a firm exercises any separate profession, trade, or calling on his own account, or jointly with other partners, he must take out a separate and additional license.

Local license required for each separate place of business.

5. A separate local license shall be taken out for each separate place of business :

Provided that no separate license shall be required for adjacent premises which form one place of business, or for any yards, godowns, or factories which are auxiliary to any place of business ; but the amount of the valuation of such premises, yards, godowns, or factories, shall be included in the computation for determining the class under which the license should be taken out.

6. Where a place of business occupies only a portion of one set of premises, and has not been separately valued under Chapter XII., the valuation thereof for the purposes of rule 1 shall be the rate *per mensem* at which the same might, in the opinion of the Chairman, reasonably be expected to let.

7. Where any person practises a profession, trade, or calling for which a personal license should be taken out, and is also the owner or lessee of a place of business for which a local license should be taken out, he shall, if the Chairman so directs, take out both a personal license and a local license :

Provided that, where the place of business is auxiliary to the practice of the profession, trade, or calling, only one license shall be required, and such license shall be either personal or local as the Chairman may direct.

8. Where the lessee or owner of any place of business is required to take out a license, the license shall be taken out by the lessee, if any ; or, if there is no lessee, then by the owner.

9. Any person who has taken out a license for the next preceding year, or has been fined under section 578 for not taking out a license during that year, shall, subject to the other provisions of

Continuance of liability in same class.

Ben. Act

III. 1899,

Sch. II., these rules, be deemed to be liable and entitled to take out a  
 Rules 10, license for the current year under the class in which he was  
 11. then placed.

## SCHEDULE II.—(contd.).

10. (1) Any person who claims a remission or refund  
 under proviso (a) to section 198 in res-  
 Time for presentation of applications for re- spect of any year must present an appli-  
 mission, &c. cation to the Chairman before the first  
 day of July in the next following year.

(2) Any person who—

- (i) has taken out a license for the next preceding year, or has been fined under section 578 for not taking out a license during that year, and,
- (ii) in consequence of any change in his profession, trade, calling, or place of business, or for any other reason, claims an exemption or declaration under proviso (b) or proviso (c) to the said section 198,

must present an application to the Chairman before the first day of July in the current year.

Power of Chairman to  
 issue notices to take out  
 licenses, &c.

11. (1) If the Chairman considers—

- (a) that any person who has not taken out a license in the next preceding year ought to take out a license, or
- (b) that any person who has taken out a license for the next preceding year, but has not done so for the current year, ought to take out a license under a higher class, or to take out more than one license,

he may serve such person with a notice directing him to take out a license or licenses for the current year under such class or classes as may to the Chairman seem proper.

(2) If the Chairman considers that any person who has taken out a license for the current year ought to have taken out a license under a higher class, he may serve such person with a notice directing him to take out a license under such higher class for the next following year.

SCHEDULE II.—(*concl'd.*).

Ben. Act  
III. 1899,  
Sch. II.,  
Rules 12-  
16.

12. Where any person is summoned for not taking out a license, and service of notice under sub-rule (r) of rule 11 is not proved, it shall be incumbent on the Chairman to prove that the person so summoned is liable to take out a license, and to state the class under which he is so liable.

13. Any person dissatisfied with an order made under rule 6 or rule 7 may appeal to a Bench consisting of the Chairman, Vice-Chairman, or Deputy Chairman and not less than three Commissioners; and

any person dissatisfied with an order made under proviso (b) to section 198 or a notice served under rule 11 may appeal—

(a) to a Bench as aforesaid;

(b) to a Court of Small Causes having jurisdiction in the place in which the profession, trade, or calling is said to be carried on:

Provided that no appeal shall lie unless the amount payable for the license, as assessed, has been deposited with the Corporation.

14. Any person who is desirous of appealing under rule 13 must, within fifteen days of the passing of the order or the service of the notice, as the case may be, present at the Municipal Office a statement in writing, setting forth the grounds of appeal, and if the appeal is against an order made under proviso (b) to section 198, or a notice served under rule 11, intimating whether he intends to appeal to a Bench under clause (a), or to a Court of Small Causes under clause (b) of the said rule:

Provided that the Chairman may, if he thinks fit, extend the period within which a statement of appeal to a Bench may be presented.

15. When an appeal is made as aforesaid to a Court of Small Causes, the Court may follow the procedure prescribed in section 623.

16. The order of the Bench or Court, as the case may be, or, if no appeal is made, the order of the Chairman, shall be final.

Ben. Act  
III. 1899,  
Sch. III.

### SCHEDULE III.

WARDS FOR PURPOSES OF THE ELECTION OF WARD COMMISSIONERS.

(See section 43.)

Number of Ward.	Name of Ward.	BOUNDARIES OF WARD			
		On the North.	On the South.	On the East.	On the West.
1	2	3	4	5	6
1	Shampukar...	The Circular Canal.	Ultadanga Road and Grey Street.	The Circular Canal and Upper Circular Road.	Upper Chitpur Road and the Chitpur Bridge approach.
2	Kumartoli ...	The Circular Canal.	Nimtala Ghât Street and the road leading to Nimtala Ghât.	Upper Chitpur Road and the Chitpur Bridge approach.	The River Hooghly.

3	Bartala ...	Grey Street and Ultadanga Road.	Beacon Street and Maniktala Road.	The Circular Canal.	Upper Chitpur Road and Upper Circular Road.
4	Sukhia's Street.	Beacon Street and Maniktala Road.	Machua Bazar Road and Gas Street.	The Circular Canal.	Cornwallis Street.
5	Jora Bagan ...	Nimtala Ghât Street and the road leading to Nimtala Ghât.	Cotton Street and Mirbahar Ghât Street.	Upper Chitpur Road.	The River Hooghly.
6	Jora Sanko ...	Beacon Street ...	Machua Bazar Road.	Cornwallis Street ...	Upper Chitpur Road.
7	Bara Bazar...	Mirbahar Ghât Street and Cotton Street.	Lal Bazar Street, Dalhousie Square, North, Fairlie Place, and a line drawn in conti- nuation of Fairlie Place to the river bank.	Lower Chitpur Road	The River Hooghly.

Ben. A&  
III. 1899,  
Sch. III.

Ben. Act  
III. 1899,  
Sch. III.

SCHEDULE III.—(contd.).

Number of Ward.	Name of Ward.	BOUNDARIES OF WARD			
		One the North.	On the South.	On the East.	On the West.
1	2	3	4	5	6
8	Collootala ...	Machua Road.	Bow Bazar Street.	College Street ...	Lower Chitpur Road.
9	Muchipara ...	Machua Road and Gas Street.	Bow Bazar Street and Baliaghata Road.	The Circular Canal	College Street.
10	Bow Bazar...	Bow Bazar Street.	Dharmtala Street	Wellington Street ...	Bentinck Street.
11	Padopukar ...	Bow Bazar Street.	Dharmtala Street	Lower Circular Road	Wellington Street.

12	Waterloo Street.	Lal Bazar Street, Dalhousie Square, North, Fairlie Place, and a line drawn in continuation of Fairlie Place to the river bank.	Esplanade Row ...	Bentinck Street ...	The River Hooghly.
13	Fenwick Bazar.	Dharmtala Street.	Kyd Street and Ripon Street.	Wellesley Street ...	Chowringhee Road and part of Free School Street.
14	Taltala ...	Dharmtala Street.	Ripon Street ...	Lower Circular Road.	Wellesley Street.
15	Kalinga ...	Ripon Street ...	Theatre Road ...	Lower Circular Road	Wellesley Street and Wood Street.
16	Park Street.	Kyd Street and Ripon Street.	Theatre Road ...	Wood Street, Wellesley Street, and part of Free School Street.	Chowringhee Road.

Ben. Act  
III. 1899,  
Sch. III.

Ben. Act  
III. 1899,  
Sch. III.

SCHEDULE III.—(concl'd.).

Number of Ward.	Name of Ward.	BOUNDARIES OF WARD			
		On the North.	On the South.	On the East.	On the West.
1	2	3	4	5	6
17	Baman Busti.	Theatre Road ...	Lower Circular Road.	Lower Circular Road.	Chowringhee Road.
18	Hastings ...	Clyde Road and the new road to the river bank.	Tolly's Nulla ...	Kidderpur Bridge Road.	The River Hooghly and Tolly's Nullah.
19	Entally ...	Baliaghatta Road, the Circular and Baliaghatta Canal and Pagladanga Road.	Police Hospital Road, Phulbagan Road, South Entally. Gobra Road, North, and Christopher's Lane.	Pagladanga Road, Chingrighatta Road, South Tangra Road, and Tapsia Road.	Lower Circular Road.

20	Baniapukur.	Police Hospital Road, Phulbag-an Road, South Road, Entally, Gobra Road, North, and Christopher's Lane.	Karia Goristhan Road, Karia Road, Goristhan Lane, Jhaotala Road, Tiljala 1st Lane, Tiljala Road, and Tapsia Road.	Tapsia Road ...	Lower Circular Road.
21	Ballygunge and Tollygunge.	Lower Circular Road, Karia Goristhan Road, Karia Road, Goristhan Lane, Jhaotala Road, Tiljala 1st Lane, and Tiljala Road, and Nepal Chunder Bhattacharjee's 1st Lane to Tolly's Nullah.	The Eastern Bengal State Railway and Budget Branch, and Tollygunge Circular Road.	The Eastern Bengal State Railway and part of Russa Road, South.	Lower Circular Road, Lansdowne Road, Rowland's Lane, Chakarberia Road, North, Chakarberia Lane, Padopukur Road, Beltala Road, Hazra Road, Russa Road, South, and Tolly's Nullah.
22	Bhowanipur.	Lower Circular Road.	Nepal Chunder Bhattacharjee's 1st Lane to Tolly's Nullah.	Lansdowne Road, Rowland's Lane, Chakarberia Road, North, Chakarberia Lane, Padopukur Road, Beltala Road, Hazra Road, and Russa Road, South.	Tolly's Nullah and the road leading from Lower Circular Road to Zeerut Bridge.

Ben. Act  
III. 1899,  
Sch. III.

Ben. A&  
III. 1899,  
Sch. III.

SCHEDULE III.—(concl.).

Number of Ward.	Name of Ward.	BOUNDARIES OF WARD			
		On the North.	On the South.	On the East.	On the West.
1	2	3	4	5	6
23	Alipur ...	Tolly's Nullah ...	Tollygunge Circular Road and Shahapur Road.	Tolly's Nullah ...	Diamond Harbour Road and Kidderpur Bridge approach.
24	Ekbalpur ...	Komedan Bagan Road and Circular Garden Reach Road.	Guragacha Road and Tarataia Road.	Diamond Harbour Road and Komedan Bagan Road.	The new road constructed by the Commissioners for the Port of Calcutta from Circular Garden Reach Road to Sonai Road and Sonai 3rd Lane.

Ben. Act  
III. 1899,  
Sch. III.

25 Watunga...	The River Hooghly	Komedan Bagan Road, Circular Garden Reach Road, Sonai Road, and Tara- tala Road.	Tolly's Nullah, the Kidderpur Bridge approach, Dia- mond Harbour Road, and the new road constructed by the Commis- sioners for the Port of Calcutta from Circular Garden Reach Road to Sonai Road and Sonai 3rd Lane.	Nitwakmehal Guppi Road and Taratala Road.
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Ben. Act  
III. 1899,  
Sch. IV.,  
Rules 1, 2.

## SCHEDULE IV.

### RULES FOR PREPARATION AND PUBLICATION OF THE MUNICIPAL ELECTION-ROLL.

(See sections 36 and 567.)

1. On or before the first day of September, 1902, and thereafter on or before the first day of September immediately preceding each general election, the Chairman shall, by notification published in local newspapers, call upon all owners and occupiers of land or buildings to register their names in the assessor's office.

Registration, and payment of municipal taxes, conditions precedent to entry in municipal election-roll.

2. A person, or a company, body corporate, firm, Hindu joint-family, or other association of individuals—

(a) shall not be entitled to be enrolled in the municipal election-roll as qualified to vote under sub-clause (a), sub-clause (b), or sub-clause (c) of section 37, unless his or its name has been registered in pursuance of rule 1 before the first day of November immediately succeeding the publication of the notification prescribed by that rule, and

(b) shall not be entitled to be enrolled in the municipal election-roll as qualified to vote under any sub-clause or clause of section 37 unless he or it has paid in his or its own name all instalments of the consolidated rate and other municipal taxes due from him or it for the first two quarters of the year in which the notification prescribed by rule 1 is published :

Provided that, when the Chairman has, under section 178, levied the entire consolidated rate from the owner of any building, any occupier of the building who is qualified to vote in respect of the sum due from him as consolidated rate shall be entitled to be enrolled on satisfying the Chairman that he has paid such sum to the owner of the building in accordance with provisions of section 179.

3. (1) On or before the first day of December, 1902, and thereafter on or before the first day of December immediately preceding each general election, the Chairman shall prepare a list of persons appearing to be entitled to be enrolled in the municipal election-roll as voters of wards.

**Ben. Act III, 1899, Sch. IV., Rules 3-6.**

Preparation of list of persons appearing entitled to entry in municipal election-roll.

(2) The list shall be arranged in accordance with the alphabetical order of the names of streets and with the numbering of premises in streets, and shall be sub-divided into parts showing separately, for each ward into which Calcutta is divided as provided in this Act, the names of persons entitled to be enrolled as voters for that ward and the number of votes to which each person is entitled.

(3) The list may be further sub-divided in such manner as the Chairman may from time to time consider convenient.

(4) In preparing the list, the Chairman shall enter therein the names of the persons who are qualified under section 37, sub-section (2), whether such persons be individuals, or companies, bodies corporate, firms, Hindu joint-families, or other associations of individuals, or receivers, or trustees.

(5) If individual members of any company, body corporate, firm, Hindu joint-family, or other association, or any receivers or trustees, so entered, be qualified as aforesaid on their own separate account, the Chairman shall enter their names in the list separately.

4. The Chairman shall publish the list prepared as aforesaid by causing a printed copy thereof to be fixed for public inspection in a conspicuous position at the municipal office, and at such other places as he thinks fit, on or before the said first day of December, and to be kept so fixed during the remaining days of that month.

Publication of list.

5. Printed copies of the list shall be delivered to any person applying for the same, on payment of such reasonable fee for each copy as may from time to time be prescribed by the Chairman, with the approval of the General Committee, in this behalf.

Delivery of copies of list.

6. On or before the tenth day of the said month of December, the Chairman shall give notice, by advertisement in local news-

Notice of publication and sale of list.

**Ben. Act** papers, of the publication of the said list, and of the place at  
**M. 1899,** which, and the fee for which, copies of it may be obtained.

**Sch. IV.,**  
**Rules 7-9.**

7. (1) Every person who claims to have his name inserted in the list, or who claims to be entitled to more votes than are allotted to him in the list, must, on or before the first day of the succeeding month of January, give written notice of his claim to the Chairman.

(2) Any person whose name is in the list may object to any other person as not being entitled to have his name retained therein.

(3) Every person desiring to make an objection under sub-rule (2) must, on or before the said first day of January, send to the Chairman, and also give to the person objected to, or leave at his last-known place of abode, written notice of the objection, and of the nature thereof.

8. If the name of a company, body corporate, firm, Hindu joint-family, or other association of individuals has been entered in the list, any one individual person duly authorized in this behalf by the members of such association may, by written notice sent to the Chairman on or before the said first day of January, apply that his name be entered in the list as the representative, for the purposes of the list, of such association.

9. (1) The Chairman shall, before the first day of the succeeding month of March, revise the list.

(2) He shall, for that purpose, hear, in open office, the claims, objections, and applications which have been duly made as aforesaid, and shall give three clear days' notice of the holding of the inquiry.

(3) Such notice shall be served upon each claimant, each person objecting, each applicant, and each person objected to, and shall be fixed on some conspicuous place in the municipal office.

(4) The Chairman shall insert in the list—

(a) the name of every person who has duly claimed to have his name inserted therein, and whose claim is proved to the Chairman's satisfaction, and

- (6) when any person has duly claimed to be entitled to more votes than were originally allotted to him in the list, and such claim is proved to the Chairman's satisfaction, the number of votes to which such person is found to be entitled.

**Ben. Act**  
**III. 1899,**  
**Sch. IV.,**  
**Rules 10,**  
**11.**

(5) The Chairman shall expunge from the list the name of every person proved to his satisfaction to be dead, and may correct any clerical error or omission in the list.

(6) Except as hereinbefore provided, the Chairman shall retain in the list the name of every person to whom objection has not been duly made.

(7) The Chairman shall also retain in the list the name of every person objected to, unless the objector appears, by himself or by some person duly authorized by him in this behalf, in support of the objection.

(8) Where the objector so appears, the Chairman shall require proof of the qualification of the person objected to; and if, within such reasonable time as the Chairman fixes in this behalf, or on the subsequent day, if any, to which the hearing is adjourned under rule 10, such person's qualification is not proved to the Chairman's satisfaction, he shall expunge his name from the list.

(9) If no individual person has applied to the Chairman under rule 8 to have his name entered in the list as the representative of a company, body corporate, firm, Hindu joint-family, or other association of individuals, the Chairman shall determine what individual person shall be entitled to represent such association, and shall enter his name in the list as the person qualified to vote or to be elected in behalf of such association.

10. The Chairman may adjourn the hearing of any matter under the foregoing rules from time to time, but so that no adjourned hearing be held after the last day of February immediately preceding the general election.

#### Adjournments.

11. When the aforesaid list has been revised by the Chairman, he shall sign a printed copy thereof, and that copy shall be the municipal election-roll.

List when revised and signed to be the municipal election-roll.

Ben. Act  
III. 1899,  
Sch. IV.,  
Rules 12-  
14;  
Sch. V.,  
Rules 1, 2.

12. The Chairman shall publish the municipal election-roll by causing a printed copy thereof to be fixed for public inspection in a conspicuous position at the municipal office, and at such other places as he thinks fit.

13. Printed copies of the municipal election-roll shall be delivered to any person applying for the same, on payment of such reasonable fee for each copy as may from time to time be prescribed by the Chairman, with the approval of the General Committee, in this behalf.

14. (1) The municipal election-roll shall come into operation on the first day of March immediately preceding the general election, and shall continue in operation for three years beginning on that day.

(2) The roll shall be final, and, while it continues in force, it shall not be altered, except so as to correct such clerical errors as the Chairman may advertise by public notice given from time to time.

(3) If a municipal election-roll is not prepared in due time, the municipal election-roll in operation immediately before the time at which the new roll ought to have been prepared shall continue in operation until the new roll is prepared.

## SCHEDULE V.

### RULES FOR CONDUCT OF ELECTIONS.

(See sections 54 and 567.)

1. Three weeks at least before the day fixed for an election, notice of such election shall be given by the Chairman by advertisement in the Calcutta Gazette and in local newspapers, and by posting placards in conspicuous places in the ward for which the election is to take place.

2. Every person who is a candidate for election shall send to the Chairman, not less than fourteen days before the day fixed for the election, a nomination-paper containing—

- Ben. Act III. 1899, Sch. V., Rules 3-6.**
- (a) his name and description, and a statement of his place of abode,
  - (b) the name of the ward or wards for which he purposes to stand,
  - (c) the signatures of two electors in each such ward who respectively propose and second his candidature, and
  - (d) the signatures of eighteen electors in each such ward who approve his nomination.

Power to declare nomination invalid.

3. If any person nominated—

- (a) is not enrolled in the municipal election-roll as a voter of a ward, or
- (b) is disqualified for being a Commissioner for any of the reasons set forth in section 39,

the Chairman shall declare his nomination to be invalid.

4. Not less than three days before the day fixed for election, the Chairman shall publish at the municipal office, and in local newspapers, a list of all candidates for election.

5. In the event of there being not more than one candidate for election in any ward, such candidate shall be deemed to be elected.

6. In the event of there being more than one candidate, a poll shall be held in the following manner, that is to say,—

- (1) a polling-place shall be provided by the Chairman for each ward, and the Chairman may appoint such and so many polling-officers and other persons to assist at the poll as he may think fit, and, with the approval of the General Committee, pay them such reasonable remuneration for their services as he may determine;
- (2) the poll shall commence at nine o'clock in the forenoon, and shall close at six o'clock in the afternoon, of the same day, or, with the special permission of the Chairman, at some time on the next following day to be named by him;

**Ben. Act  
III. 1899,  
Sch. V.,  
Rule 6.**

- (3) all votes must be given in person, and no vote shall be received by proxy or in writing ;
- (4) no vote shall be received for any candidate whose name has not been published by the Chairman under rule 4 as having been validly nominated ;
- (5) when the name in the municipal election-roll is that of a company, body corporate, firm, Hindu joint-family, or other association of individuals, a vote on behalf of such association may be received from any person who produces to the polling-officer a power-of-attorney authorizing him to represent the said association for the purposes of the election ;
- (6) the polling-officer shall read out the list of candidates and the names of the voters, and the votes given by them shall then be recorded by him ;
- (7) no objection to a voter shall be entertained except on the ground that he is not the person under whose name, as entered in the municipal election-roll, he claims to vote ;
- (8) objections under clause (7) shall be summarily decided by the polling-officer ;
- (9) the polling-officer shall then and there declare the candidate who has the largest number of votes to be duly elected, and shall report accordingly to the Chairman :  
 Provided that, if the majority for any candidate consists only of votes to which objections have been raised, and if the polling-officer has been unable to decide such objections summarily as provided in clause (8), he shall adjourn the proceedings, and report the matter to the Chairman ;
- (10) when a report is made to the Chairman under the proviso to clause (9), he shall hold such inquiry regarding the disputed votes as he may consider necessary, and his decision shall be final ;
- (11) on the termination of the said inquiry, the Chairman shall declare the candidate who has the largest number of votes to be duly elected ;
- (12) if there be an equality of votes, the candidate for whom the greatest number of qualified persons

have voted shall be deemed to be elected; and, in case of an equality of votes in this respect, the Chairman shall give a casting vote, and the candidate to whom such vote is given shall be deemed to be elected.

**Ben. Act  
III. 1899,  
Sch. V.,  
Rule 7;  
Sch. VI.**

7. If any person is elected a Commissioner for more than one ward, he shall, within five days from the date of the election, declare for which ward he will serve; and, if he fails to make such declaration, the Chairman shall forthwith declare the ward for which such person shall serve; and in either case such person shall be held to be elected in the ward in respect of which either of such declarations has been made; and thereupon the electors of the other ward or wards in which such person has been elected shall proceed to elect a Commissioner in the manner hereinbefore provided.

## SCHEDULE VI.

### FORM OF DEBENTURE.

(See section 132.)

The Corporation of Calcutta.

No. , dated Calcutta, the 18 .

By virtue of the Calcutta Municipal Act, 1899, the Corporation of Calcutta, in consideration of the sum of rupees paid to them by A B of , promise to pay to the said A B, his heirs, executors, administrators, and assigns, or order, the said sum of rupees after the date hereof, together with interest thereon at the rate of per centum per annum, payable half-yearly on the day of and the day of ; and, by way of security for such payments, the Corporation do hereby assign to the said A B, his heirs, executors, administrators, and assigns, so much of the proceeds of the rates and other taxes, fees, and dues payable to the Corporation by virtue of the Act aforesaid as shall suffice to satisfy the claim of the said in respect of the principal sum together with the interest thereon.

(Signature of the Chairman and two  
Commissioners.)

Ben. Act

III. 1899,

Sch. VII. DATES UP TO WHICH VALUATIONS MADE BEFORE THE COMMENCEMENT OF THIS ACT ARE TO REMAIN IN FORCE.

*(See section 152.)*

1	2
District.	Date up to which valuations made before the commencement of this Act is to remain in force.
Ward No. 1 ... " " 2 ... " " 3 ... " " 4 ... " " 5 ... " " 6 ... " " 7 ... " " 8 ... " " 9 ... " " 10 ... " " 11 ... " " 12 ... " " 13 ... " " 14 ... " " 15 ... " " 16 ... " " 17 ... " " 18 ... " " 19 ... " " 20 ... " " 21 ... " " 22 ... " " 23 ... " " 24 ... " " 25 ...	The 31st March 1902. The 31st March 1903. The 30th September 1902. The 30th September 1903. The 31st March 1904. The 30th September 1901. The 30th September 1904. The 31st March 1905. The 30th September 1905. The 31st March 1906. The 30th September 1900. The 31st March 1901. The 31st March 1901. The 30th September 1900. The 31st March 1906. The 30th September 1905. The 31st March 1905. The 31st March 1905. The 30th September 1904. The 31st March 1904. The 30th September 1903. The 31st March 1903. The 30th September 1902. The 31st March 1902. The 30th September 1901.

SCHEDULE VIII.

TAX ON CARRIAGES AND ANIMALS.

(See sections 188 and 191.)

Ben. Act  
III. 1899,  
Schs.  
VIII., IX.

Per half-year.

Rs. A. P.

On every four-wheeled carriage drawn by two horses, or propelled by electricity, gas, or any other mechanical power	...	...	12	0	0
Where any person owns more than one such carriage, then on every such carriage after the first			8	0	0
On every four-wheeled carriage drawn by one horse, pony, or mule, or a pair of ponies or mules under 13 hands	...	...	6	0	0
On every two-wheeled carriage drawn by one or more animals	...	...	6	0	0
On every jinrickshaw	...	...	2	0	0
On every bicycle	...	...	2	0	0
On every tricycle	...	...	3	0	0
On every horse (not being a race-horse)		...	6	0	0
On every race-horse	...	...	12	0	0
On every pony or mule of or over 13 hands		...	6	0	0
On every pony or mule under 13 hands		...	2	0	0

SCHEDULE IX.

SCAVENGING TAX.

[See sections 203 and 559 (2).]

Part I.—Persons by whom the Tax is payable.

Hackney-carriage owner.	Shepherd.
Carter.	Goatherd.
Milk-seller.	Owner or occupier of a market or bazar.
Horse-dealer.	

Ben. A&C  
III. 1899,  
Sch. X.

*Part II.—Rates of Fee for Licenses.*

			<i>Per half-year.</i>
			Rs. A.
For every horse	...	...	6 0
" " pony or mule of or over 13 hands	...	...	6 0
" " pony or mule under 13 hands	...	...	3 0
" " bull or buffalo used for drawing a cart	...	...	1 8
" " cow or buffalo kept by a milk- seller	...	...	0 12
" " donkey	...	...	0 12
" " ten sheep or goats	...	...	3 0

SCHEDULE X.

FORM OF NOTICE OF DEMAND.

*(See sections 214 and 229.)*

To

A. B.,

residing at

Take notice that the Chairman of the Calcutta Corporation demands from (you) [*\*as owner (or occupier)*] the sum of            due from (you) on account of (*here describe the premises on account of which the rate is leviable, or the carriage, animal, profession, trade, or calling on account of which the tax is payable*) for the quarter [*or half-year, or year*] commencing (*or ending*) on the       day of 18       ; and that, if the said sum is not paid into the municipal office at            , or to an officer appointed to receive the

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*\* In the case of a demand on the occupier of a building under section 222, state that notice of demand has been served upon the owner, and that the sum due remains unpaid.*

same, or if sufficient cause for non-payment of the same is not shown to the satisfaction of the Chairman, within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same, with costs. **Ben. Act III. 1899, Sch. XI.**

Dated this       day of       18       .

(Signed.)

*Chairman of the Calcutta Corporation.*

## SCHEDULE XI.

### FORM OF DISTRESS WARRANT.

[See sections 215 (1) and 233 (1).]

To (*here insert the name of the officer charged with the execution of the warrant*).

Whereas A. B., of       , has not paid, or shown sufficient cause to my satisfaction for the non-payment of, the sum of       due for the consolidated rate [*or, as the case may be*] for the quarter [*or half-year or year*] commencing (*or ending*) on the       day of       18       , although the said sum has been duly demanded in writing from the said A. B., and seven days have elapsed since the service of the notice of demand :

[And whereas the said sum has been increased, under section 231 (*or section 232, as the case may be*), to       :]

This is to direct you to distrain the moveable property of the said A. B. (*or, as the case may be, any moveable property found on the premises in respect of which the said rate is due*) to the amount of the said sum of       , and such further sum as may be sufficient to defray the costs of recovering the said amount ; and if, within seven days next after such distress, the said sum shall not be paid, together with such further sum as shall be sufficient to defray the said costs, to sell the said moveable property ; and, having paid and deducted out of the proceeds of the sale the said sum of       and the costs of recovering the same, to return the surplus, if any, and, if the same be demanded within three years from the date of the sale,

Ben. Act to the person whom you shall find in possession of the said  
 III. 1899, moveable property.  
 Sch. XII.

If sufficient distress cannot be found of the moveable property of the said A. B. (or on the said premises, *as the case may be*), you are to certify the same to me together with this warrant.

*Dated this      day of      18 .*

*(Signed.)*

*Chairman of the Calcutta Corporation.*

## SCHEDULE XII.

### TABLE OF FEES PAYABLE ON WARRANTS OF DISTRESS.

[See section 215 (3).]

Sum distrained for.						Fee.
						Rs. A.
Under	5 rupees	...	...	...	...	0 4
Rupees	5 and under	Rupees	10	...	...	0 8
"	10	"	15	...	...	0 12
"	15	"	20	...	...	1 0
"	20	"	25	...	...	1 4
"	25	"	30	...	...	1 8
"	30	"	35	...	...	1 12
"	35	"	40	...	...	2 0
"	40	"	45	...	...	2 4
"	45	"	50	...	...	2 8
"	50	"	60	...	...	3 0
"	60	"	80	...	...	3 12
"	80	"	100	...	...	4 8
Above 100 Rupees	...	...	...	...	...	5 0

The above fees are to include all expenses, except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each peon so employed.

SCHEDULE XIII.

FORM OF NOTICE OF SALE.

(See section 218.)

Ben. Act  
III. 1899,  
Schs.  
XIII,  
XIV.

To

A. B.

residing at.....

Take notice that I have this day seized the moveable property specified in the inventory beneath this for the sum of

due for the consolidated rate (*or, as the case may be*) for the quarter [*or half-year or year*] commencing (*or ending*) on the day of 18 ; and that, unless you pay into the

municipal office at the amount due, together with the costs of recovery, within seven days from the date of this notice, the said property will be sold.

Dated this day of 18 .

(Signature of the Officer  
executing the warrant of distress.)

Inventory.

(Here state particulars of the moveable property seized.)

SCHEDULE XIV.

SCALE OF FERRULES IN BUILDINGS.

(See section 259.)

If the annual value of the building, as determined under Chapter XII., be—

				the size of the ferrule shall be—
from	1	to	599 rupees (both inclusive)	$\frac{1}{4}$ inch.
"	600	to	1,199	"
"	1,200	to	2,399	"
"	2,400	to	3,599	"
of or above	3,600 rupees	...	...	or
				1 "

Ben. Act  
III. 1899,  
Sch. XV.,  
Rules 1-6.

## SCHEDULE XV.

### RULES AS TO DRAINS.

[See sections 308, 319, 320, 323, 326, 328, 559 (12), and 567, and Schedule XVI., rule 15.]

1. Every underground house-drain constructed after the commencement of this Act, or provided for a building erected or re-erected after the commencement of this Act, must consist of good sound pipes made of glazed stone-ware or other suitable material, and must have water-tight joints made of Portland or other approved cement.

Material and joints.

2. Every such house-drain must be of adequate size, with an internal diameter of not less than four inches.

Size.

3. No such house-drain shall be so constructed as to form in any of such drains a right-angled junction, either vertical or horizontal; and every branch drain or tributary drain must be joined to another drain obliquely, at an angle of not less than one hundred and thirty-five degrees, in the direction of the flow of such other drain.

Angles.

4. Every such house-drain must be laid upon a bed of good concrete not less than six inches thick, must be covered for half its depth with concrete not less than four inches thick, and must have a proper fall.

How to be laid.

5. Every such house-drain must be so constructed as to prevent any inlet to the drain (other than such inlet as may be required from the apparatus of a connected privy or water-closet being made within the building).

Prohibition of inlet within building.

Traps.

6. (1) In every such house-drain a suitable trap must be provided.

(2) Such trap must be placed—

(a) within the curtilage of the building, or,

(b) with the approval of the General Committee, in the footpath, or (if there is no footpath) in the road-way adjacent to the building, and

- (c) at a point as distant as may be practicable from the building, and as near as may be practicable to the point at which the drain is connected with a municipal sewer.

Ben. Act  
III. 1899,  
Sch. XV.,  
Rule 7.

(3) Every inlet to any such house-drain (other than an inlet provided in pursuance of rule 7 as an opening for the ventilation of the drain) must be properly trapped.

#### Ventilation.

7. The ventilation of such house-drains must be provided for as follows :—

(1) at least two untrapped openings must be made, as follows :—

(a) one opening must be made at or near the level of the surface of the ground adjoining the opening, must be as near as may be practicable to the trap prescribed by rule 6, sub-rule (1), must be on that side of such trap which is nearer to the building, and must communicate with the drains by means of a suitable pipe, shaft, or disconnecting chamber ;

(b) the second opening must be made by carrying up, from a point in the drains as far distant as may be practicable from the point at which the opening mentioned in clause (a) is situated, a pipe or shaft fixed vertically to such height and in such manner as effectually to prevent any escape of foul air from such pipe or shaft into any building in the vicinity thereof, and in no case to a less height than ten feet :

(2) provided that, in any case in which the Chairman considers it impracticable to enforce the provisions of sub-clauses (a) and (b), the two openings prescribed by clause (1) shall be made as follows :—

(i) one opening shall be made by carrying up, from a point as near as may be practicable to the trap prescribed by rule 6, sub-rule (1), a pipe or shaft fixed vertically to such height and in such manner as effectually to prevent any escape of foul air from such pipe or shaft into any building in the vicinity thereof, and in no case to a less height than ten feet ; and such opening shall be situated on that side of the said trap which is nearer to the building ;

**Ben. Act  
III. 1899,  
Sch. XV.  
Rule 8.**

(ii) the second opening shall be made at a point in the drains as far distant as may be practicable from the point at which the said pipe or shaft is carried up, shall be at or near the level of the surface of the ground adjoining the opening, and shall communicate with the drains by means of a suitable pipe or shaft;

(3) every opening provided under this rule must be furnished with a suitable grating or other suitable cover for the purpose of preventing any obstruction in, or injury to, any pipe or drain by the introduction of any substance through the opening;

(4) such grating or cover must be so constructed and fitted as to secure the free passage of air through it by means of a sufficient number of apertures, the aggregate extent of which shall be not less than the sectional area of the pipe or drain to which the grating or cover is fitted;

(5) every pipe or shaft referred to in this rule must be of a sectional area not less than that of the drain with which the pipe or shaft communicates, and not less than the sectional area of a pipe or shaft of the diameter of four inches;

(6) except with the written permission of the Chairman, no bend or angle shall be formed in any pipe or shaft referred to in this rule;

(7) where the situation, height, sectional area, and mode of construction of the soil pipe of any connected privy or water-closet situated within a building are such as are prescribed by this rule for a pipe or shaft for ventilating a drain, such soil-pipe shall, with the consent of the Chairman, be deemed to provide the opening which, under this rule, is required to be provided by means of a pipe or shaft.

8. The soil-pipe of every connected privy or water-closet constructed after the commencement of this Act, or provided for a building erected or re-erected after the commencement of this Act, must—

- (a) be at least four inches in diameter,
- (b) be fixed outside the building, and be continued upwards without any diminution of its diameter,
- (c) be of such height, and be so placed, as to afford, by means of the open end of the pipe, a safe outlet for sewer air,

- (d) whenever practicable, be so constructed as to avoid any bend or angle, and
- (e) be so constructed as to have no trap between the pipe and the drains, and no trap (other than such trap as necessarily forms part of the apparatus of the privy or closet) in any part of the pipe.

Ben. Act  
III. 1899,  
Sch. XV,  
Rules 9,  
10.

Ventilation of soil-pipe of connected privy or water-closet detached from building.

9. Where any such connected privy or water-closet has no internal communication with a building, then,—

- (a) if the distance between the privy or closet and the trap provided under rule 6, sub-rule (1), in the drain with which the closet or privy communicates, is not more than ten feet, no ventilation-pipe need be fixed in the soil-pipe ;
- (b) if the said distance is more than ten feet, but not more than thirty feet, a ventilation-pipe must be fixed in the soil-pipe, at a point as far distant as may be practicable from the trap provided under rule 6, sub-rule (1) ; and such pipe must be placed vertically to such height and in such manner as effectually to prevent any escape of foul air from the pipe into any building in the vicinity thereof, and in no case to a less height than ten feet, and must be of a sectional area not less than that of the drain with which it communicates, and not less than the sectional area of the pipe of the diameter of four inches ;
- (c) if the said distance is more than thirty feet, the soil-pipe must be ventilated in the manner prescribed by rule 7.

10. (1) The following pipes in any building erected or re-erected after the commencement of this Act, namely,—

Waste-pipes.

- (a) the waste-pipe from any bath-sink (not being a slop-sink constructed or adapted to be used for receiving sewage) or lavatory,
- (b) the overflow pipe from any cistern or from any safe under a bath, connected privy, or water-closet, and
- (c) every other pipe for carrying off waste water,

**Ben. Act** must be taken through an external wall of the building, and  
**III. 1899,** must be so constructed as to discharge into the open air over  
**Sch. XV.,** a channel leading to a trapped gully grating at least eighteen  
**Rules 11-** inches distant from that end of the pipe from which the water  
**13.** issues.

(2) The waste-pipe in any such building from any slop-sink constructed or adapted to be used for receiving sewage must be constructed so as to comply with such of the rules in this Schedule as relate to the soil-pipe of a connected privy or water-closet.

11. (1) Every open house-drain constructed after the commencement of this Act, or provided for a building erected or re-erected after the commencement of this Act, for the purpose of discharging surface or sullage water, must be constructed of brick masonry or concrete plastered with Portland cement, or of natural or artificial stone, or of glazed half-round pipes.

(2) Every such open house-drain must be connected with a municipal sewer through trapped inlets in the manner prescribed by or under this Act for other house-drains.

12. Type-plans for the construction of house-drains shall be prepared by the General Committee, and kept open to the inspection of any applicant at the municipal office at all reasonable times without charge.

13. The following provisions shall be observed when any drain is, with the permission of the Chairman granted under section 303, constructed so as to pass beneath a building, that is to say—

- (1) the drain must be so laid as to leave, between the top of the drain at its highest point and the surface of the ground beneath the building, a distance of not less than the full diameter of the drain ;
- (2) the drain must be laid in a direct line throughout the whole distance beneath the building ;
- (3) the drain must be completely embedded in, and covered with, good and solid concrete at least six inches thick all round ;
- (4) adequate means for ventilating the drain must be provided (where necessary) at each end of such portion thereof as passes beneath the building.

## SCHEDULE XVI.

## RULES AS TO PRIVIES AND URINALS.

[See sections 314, 315, 316, 319, 320, 326, 327, 328,  
450, 559 (12), 567, 574, and 575.]

Ben. Act  
III. 1899,  
Sch.  
XVI.,  
Rules 1-3.

1. (1) No privy shall be placed in the space required  
Regulation of site of by this Act to be left at the back of a  
privies. building—

(a) unless the total height of the privy does not exceed eleven feet, and,

(b) if the privy is a service-privy, unless there is a space of at least four feet between the nearest wall and the service aperture of the privy.

(2) No service-privy situated in, or adjacent to, a building shall be placed at a distance of less than—

(i) six feet from any other building which is a public building, or

(ii) four feet from any other building which is, or is likely to be, used as a dwelling-place, or as a place in which any person is, or is intended to be, employed in any manufacture, trade, or business.

Substitution of con-  
nected privies for service-  
privies.

2. \* (1) No service-privy shall be placed on any upper floor of a building :

Provided that, if, in any case, the Chairman considers it impracticable or inexpedient to provide a connected privy, he may, by written notice, authorize the owner of the building to erect a service-privy, and require him to pay such sum as may be specified in the notice for the purpose of meeting the expenditure likely to be incurred by the Corporation in removing sewage from the privy.

(2) The Chairman may, by written notice, require the owner of any building to convert any service-privy into a connected privy.

3. (1) If there is no convenient access from a street to  
any service-privy, and if the Chairman  
Provision of access to considers it inexpedient to require that  
service-privy from street.

\* An appeal (their decision on which shall be final) lies to the General Committee from any notice issued, or other action taken or proposed to be taken, by the Chairman under rule 2 of Sch. XVI.—See s. 327, *supra*.

**Ben. Act** the privy be converted into a connected privy, the General  
**III. 1899,** Committee may, if they think fit, by written notice, require  
**Sch.** the owner of the privy to form a passage giving access to the  
**XVI.,** privy from the street.  
**Rules 4-6.**

(2) Every notice served under sub-rule (1) must require that such passage be formed at ground-level, be not less than four feet wide, and be provided with a suitable door; and must inform the said owner that the passage may, at his option, be either open to the sky or covered in.

4. Models and type-plans of privies and urinals, approved by the General Committee, with estimates of the cost of constructing privies and urinals in accordance therewith, shall be kept in the municipal office, and shall be open to inspection by any person at all reasonable times without charge; but no person shall be bound to construct any privy or urinal in accordance with any such model or type-plan if the same be constructed in accordance with the other rules contained in this Schedule.

**Drain.** 5. (1) A drain must be provided for every service-privy and every urinal.

(2) Such drain must be constructed of some impervious material, and must connect the floor of the privy or urinal—

(a) with a drain communicating with a municipal sewer, or,

(b) if permitted by the Chairman, with an impervious cess-pool the contents of which can be removed to a municipal sewer, either by hand or by flow after filtration.

**Floor.** 6. (1) The floor of every privy and urinal—

- (a)\* must, if the Chairman in any case so directs, be made of one of the following materials, to be selected by the owner of the privy or urinal, that is to say, glazed tiles, artificial stone or cement, or,
- (b) if no such direction is given, must be made of thoroughly well-burnt earthen tiles or bricks plastered with cement, and not merely pointed with cement, and

\* An appeal, from any notice issued, or other action taken or proposed to be taken, by the Chairman under cl. (a) of rule 6 (1) of Sch. XVI., lies to the General Committee, their decision on such appeal being final.—See s. 327, *supra*.

(c) must be in every part at a height of not less than six inches above the level of the surface of the ground adjoining the privy or urinal.

Ben. Act  
III. 1899,  
Sch.  
XVI.,  
Rules 7-  
10.

(2) The floor of every service-privy and every urinal must have a fall or inclination of at least half an inch to the foot towards the drain prescribed by rule 5.

7. The walls and the roof (if any) of every privy and urinal shall be made of such materials as may be approved by the Chairman :

Walls and roof.

Provided that,—

(a) in the case of service-privies, the entire surface of the walls below the platform shall either be rendered in cement, or be made as prescribed in clause (a) or clause (b) of rule 6 ;

(b) in the case of connected privies, the walls must, up to a height of at least twelve inches above the platform, be made as prescribed in clause (a) or clause (b) of rule 6.

8. The platform of every connected privy and service-privy must either be plastered with cement, or be made of some water-tight non-absorbent material.

Platform.

9. Every privy situated in, or adjacent to, a building must have an opening, of not less than three square feet in area, in one of the walls of the privy, as near the top of the wall as may be practicable, and communicating directly with the open air.

Ventilation of privies in, or adjacent to, buildings.

Regulation of service-privies constructed for use in combination with a moveable receptacle for sewage.

10. The following provisions shall have effect with regard to service-privies constructed for use in combination with a moveable receptacle for sewage, that is to say—

(a) the space beneath the platform of the privy must be of such dimensions as to admit of a moveable receptacle for sewage, of a capacity not exceeding two cubic feet, being placed and fitted beneath the platform in such manner and position as will effectually prevent the deposit, otherwise than in such receptacle, of any sewage falling or thrown through the aperture of the platform ;

Ben. Act  
III. 1899,  
Sch.  
XVI.,  
Rules 11-  
15.

- (b) the privy must be so constructed as to afford adequate access to the said space for the purposes of cleansing such space and of placing therein, and removing therefrom, a proper receptacle for sewage ;
- (c) the said receptacle must be water-tight, and must be made of metal, well-tarred earthenware, or glazed stoneware ;
- (d) the door for the insertion and removal of the receptacle must be made so as to completely cover the aperture.

11. Every water-closet situated in a building must be separated by a masonry wall from kitchens, habitable rooms, and rooms in which any person is, or is intended to be, employed in any manufacture, trade, or business.

12. (1) Every connected privy and water-closet must be provided with a suitable water cistern, so arranged as—

- (a) to discharge direct into the pan of the privy or closet not less than three gallons of water each time the cistern is used, and
- (b) to prevent water being drawn from the cistern for any other purpose.

(2) All waste-pipes and overflow-pipes attached to such cisterns must terminate in the open air, and be cut off from all direct communication with any drain.

13. Every connected privy and water-closet must be provided with an air-tight water-trap immediately below the pan.

14. No "container" or other similar fitting shall be placed under the pan of a connected privy or water-closet ; and no trap of the kind known as a "D trap" shall be used with any such privy or closet.

15. (1) Every connected privy and water-closet must be provided with a soil-pipe for carrying sewage to a municipal sewer.

(2) Such soil-pipe must have air-tight joints, and, if it be placed above ground, must be made of metal approved by the Chairman.

(3) Such soil-pipe must have, in addition to the trap prescribed by rule 13, a trap placed at some point between the privy or closet and the sewer referred to in sub-rule (1).

(4) Such soil-pipe must be ventilated by direct communication with the open air in the manner prescribed by the rules contained in Schedule XV.; and, if the privy or closet is situated in a building, the pipe must be carried outside the building.

Ben. Act  
III. 1899,  
Sch.  
XVI.,  
Rules 16,  
17.

16. If any privy or urinal erected or re-erected after the commencement of this Act is so constructed as to contravene any of the provisions of this Schedule, the General Committee may, by written notice, whether or not the offender be prosecuted under this Act before a Magistrate, require—

(a) the occupier of the building to which the privy or urinal belongs, or

(b) (if the privy or urinal does not belong to a building) the owner of the land on which the privy or urinal stands,

to make such alterations as may be specified in the notice with the object of bringing the privy or urinal into conformity with the said provisions.

17. (1) If any privy, urinal, or group of privies or urinals erected before the commencement of this Act be certified by the Health Officer, after making such inquiry as he may think fit, to be in such a condition as to constitute a danger to health, the General Committee may, by written order, declare that all or any of the provisions of rule 2, sub-rule (2), rule 3, and rules 5 to 15 of this Schedule shall be applicable thereto.

(2) When the provisions of any of the said rules have been so declared to be applicable to any privy, urinal, or group of privies or urinals erected before the commencement of this Act, a notice may be issued under rule 2, sub-rule (2), rule 3, or rule 16, as the case may be, as if the privy, urinal, or group had been erected or re-erected after the commencement of this Act.

Ben. Act  
III. 1899,  
Sch.  
XVII.,  
Rules 1, 2.

## SCHEDULE XVII.

### RULES AS TO THE USE OF BUILDING-SITES AND THE EXECUTION OF BUILDING-WORK.

(See sections 363, 370, 373, 374, 377, 384, 386, 389, 391,  
567, 582, and 583.)

#### *Part I.—Building-sites.*

Conditions as to use of building-sites. 1. No piece of land shall be used as a site for the erection of a building,—

(1) if the building is to abut on a street, unless the site is of such a shape that the face of the building can be made parallel to the line of the street, or as nearly parallel to the said line as the General Committee may consider practicable; and,

(2) if the site is within thirty feet of a tank, unless the owner satisfies the Engineer that he will take such order as will prevent any risk of the domestic drainage of the building passing into the tank; and,

(3) if the building to be erected is a public building, a dwelling-house, or a hut,—

(a) unless the site is certified by the Engineer to be dry and well-drained, or to be capable of being well-drained, and,

(b) if the site is a filled-up tank, or has been filled up with, or used for, depositing rubbish, offensive matter, or sewage, unless the site was so filled up or last so used more than five years previously, and unless the Chairman has examined the site and granted a certificate to the effect that it is, from a sanitary point of view, fit to be built upon.

#### *Part II.—Buildings generally.*

2. (1) If a building is situated at the side of a street, no portion of the building shall intersect any of a series of imaginary lines drawn across the street at an angle of forty-five degrees with the plane of the ground, such lines being drawn from the street alignment on the side of the street which is the more remote

Height.

from the building in question, at the level of the pavement or of the centre of the street.

Ben. Act  
III. 1899,  
Sch.  
XVII.,  
Rule 3.

*Explanation.*—If a building be placed at the edge of the street, its height must not exceed the width of the street; but, if the building or one or more of its storeys be set back, the height of the building may be increased, subject to the condition that no portion of the building, after the height is increased, intersects any of the aforesaid lines.

(2) In the case of any building which is re-erected in a street in existence at the commencement of this Act which is less than twenty-five feet wide, the angle at which the lines referred to in sub-rule (1) are to be drawn shall be fifty-six-and-a-half degrees instead of forty-five degrees:

Provided that nothing contained in this sub-rule shall authorize the re-erection of any building so as to make it higher than any building which, at the commencement of this Act, is standing on the same site.

(3) Notwithstanding anything contained in sub-rule (1) or sub-rule (2), the Corporation may, by order published in the Calcutta Gazette, declare that, in any street in existence at the commencement of this Act which is specified in the order, the erection of two-storeyed buildings not exceeding twenty-eight feet in height will be permitted without complying with the requirements of those sub-rules.

(4) If a building is situated on a corner plot, so as to abut upon more than one street, the height of the building shall be regulated by the wider of such streets so far as it will abut or abuts upon such wider street, and also so far as it will abut or abuts upon the narrower of such streets to a distance of forty feet from the wider street.

3. The floor or lowest floor of every building erected or re-erected from the ground level must be constructed at such level as will admit of—  
Level of floor.

(a) the construction of a drain sufficient for the effectual drainage of the building, and placed at such level as will admit of the drainage being led into some municipal sewer at the time existing or projected, and

Ben. Act  
III. 1899,  
Sch.  
XVII.,  
Rules 4-8.

(b) the provision of the requisite communication with some sewer into which the drainage may lawfully be discharged, at a point in the upper half of such sewer, or with some other means of drainage into which the drainage may lawfully be discharged.

4. A building shall not be placed over any municipal drain, except with the written consent of the General Committee.

5. Where only detached buildings are allowed, the passage affording access to a building from the street must be at least nine feet wide, and shall be sixteen feet wide in any case in which the General Committee may consider it practicable to secure a passage of that width.

6. (1) In any street laid out after the commencement of this Act in which continuous building is allowed, the distance between the building-line and the street alignment shall not be less than four feet.

(2) Subject to the approval of the General Committee, an open verandah may be erected upon the space between such line and alignment.

### *Part III.—Masonry Buildings generally.*

7. (1) Except with the sanction of the General Committee the foundation of a masonry building must rest on solid ground.

(2) The spread of the foundation must be such that the pressure on the soil, taking into account the load on the floors and terrace-roof (if any) referred to in rules 14 and 16, shall not be greater than one ton on the square foot.

(3) The levels of the foundation must be such as the General Committee may consider satisfactory.

8. The plinth of a masonry building must be at least two feet above the level of the centre of the nearest street.

Ben. Act.  
III. 1899,  
Sch.  
XVII.,  
Rules 9-  
13.

9. Every wall of a masonry building must be constructed so as to rest upon proper footings having regular offsets and a horizontal spread on each side of the wall of not less than one-half the height of the footings, unless an adjoining wall interferes, in which case the footings may, subject to the provisions of sub-rule (2) of rule 7, be omitted where that wall adjoins.

10. The outer walls of a masonry building must be constructed of brick or some other hard and incombustible substance.

11. All walls of a masonry building must be properly bonded.

12. (1) Every wall of a masonry building must have a damp-proof course at or above the level of the ground floor.

(2) Such damp-proof course may consist of sheet lead, asphalt, slates laid in cement, vitrified bricks, or any other durable material impervious to moisture.

13. If a masonry building exceeds more than one storey. one storey in height,—

(a) every wall must be solidly put together with—

(i) good cement, or

(ii) good lime, or

(iii) mortar compounded with good cement and sand or other suitable material, or

(iv) mortar compounded with good lime and sand or other suitable material;

(b) the proportions of the materials forming such mortar must be such as are approved by the Chairman;

(c) no part of any wall, other than a cornice or moulding, shall overhang any part of a wall underneath it; and

(d) every wall must be of such thickness as the Chairman may consider necessary to ensure safety, regard being had to the height of the building, the materials of which it is constructed, and the purpose for which it is intended to use it.

Ben. Act  
III. 1899,  
Sch.  
XVII.,  
Rules 14-  
18.

14. The floors of every masonry building must be constructed to bear safely the maximum load to be carried, the allowance for live load not being less than fifty-six pounds on the square foot.

15. (1) All beams and girders in a masonry building must be supported by a breadth of brick-work, stone, or other solid substance sufficient to secure their stability.

(2) The bearing of a beam or girder on a wall shall not, without the sanction of the Chairman, be less than three-fourths of the thickness of the wall.

16. Terrace roofs must be constructed to withstand such load, not less than forty pounds on the square foot, in addition to their own weight, as may be specified by an order of the General Committee.

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*Part IV.—Dwelling-houses and other Domestic Buildings.*

17. The total area covered by all the building (including verandahs) on any site used for a dwelling-house shall not exceed two-thirds of the total area of the site.

18. (1) In localities where the erection of only detached buildings is allowed, the minimum size of the site for a dwelling-house must be an area calculated as follows :—

to the length of the house add twice its height, and to the width of the house add twice its height, and multiply the two products together ;

and the house may be placed in any part of the site, but not so as to extend beyond any building-line prescribed under section 356 :

Provided that no portion of the area required to make up the minimum size of the site for any house, whether erected before or after the commencement of this Act, calculated as above, shall be taken into account in calculating the minimum area required for the site of any house erected after the commencement of this Act.

Ben. Act  
III. 1899,  
Sch.  
XVII.,  
Rules 19-  
21.

(2) The placing of servants' houses, stables, and other out-offices within the area of the site shall be subject to the following restrictions, namely,—

(a) such out-offices shall not exceed fifteen feet in height or twenty feet in depth, and shall not be placed on more than two sides of the house, or within twenty-four feet of the house ;

(b) not more than one-third of the total area of the site shall be occupied by masonry buildings or verandahs.

19. The whole of at least one side of every room in a dwelling-house must either be an external wall, or abut on an interior courtyard, or on a verandah.

Every room of dwelling-house to be open to outer air.

Size and ventilation of inhabited rooms.

20. Every room in a domestic building which is intended to be used as an inhabited room—

(a) must be in every part not less than ten feet in height measured from the floor to the under-side of the beam on which the roof rests ;

(b) must have a clear superficial area of not less than eighty square feet ; and

(c) must be provided, for purposes of ventilation, with doors or windows opening directly into the external air, or into a verandah, and having an aggregate opening of not less than one-fifth of the superficial area of that side, or one of those sides, of the room which faces or face an open space.

21. (1) The minimum superficial area of every interior courtyard of a dwelling-house shall be one-fourth of the aggregate floor area of the rooms and verandahs abutting on the courtyard.

Interior courtyard of dwelling-house.

(2) The minimum width of every such courtyard shall be eight feet.

(3) No portion of any face of a dwelling-house abutting on such courtyard shall intersect any of a series of imaginary lines.

Ben. Act drawn across the courtyard from the opposite face of the house  
 III. 1899, at the level of the plinth at an angle of sixty-three-and-a-half  
 Sch. degrees with the horizontal.  
 XVII,

Rules 22,  
 23.

*Explanation.*—The height of any face of a dwelling-house must not exceed twice the width of the courtyard measured from such face to the opposite face.

(4) Notwithstanding anything contained in sub-rule (3), when a dwelling-house has more than two storeys, the storeys above the second shall not be taken into account in applying that sub-rule if they are built on not more than two sides of the house.

22. (1) Except in localities where the erection of only detached buildings is allowed, there must be in the rear of every domestic building an open space extending along the entire width of the building, and belonging exclusively to the building, unless the back of the building abuts on an open square or the like, of not less than twenty feet in width, which is dedicated to public use, and is consequently not likely to be built upon.

(2) The minimum distance across such space from every part of the building to the boundary line, or (if the boundary is a wall) the inner edge of the boundary wall, of the land or building immediately opposite such part, shall be ten feet.

(3) No portion of the building shall intersect any of a series of imaginary lines drawn across such space at an angle of sixty-three-and-a-half degrees with the plane of the ground, such lines being drawn from the line limiting the width of such space at the side thereof which is the more remote from the building, at the level of the plinth of the building.

*Explanation.*—If the building be placed at the edge of such space, its height must not exceed twice the width of the space; but, if the building, or one or more of its storeys, be set back, the height of the building may be increased, subject to the condition that no part of the building, after the height is increased, intersects any of the aforesaid lines.

23. If any person desires to erect a domestic building in a street laid out before the commencement of this Act upon a site which, before the  
 Relaxation of rule 22  
 in case of irregular site.

commencement of this Act, was occupied by a domestic building, and the site is of such a nature that it is impracticable to provide an open space in the rear of the building of the dimensions prescribed by rule 22, the General Committee may relax the provisions of that rule :

Ben. Act  
III. 1899,  
Sch.  
XVII.,  
Rules 24,  
25.

Provided that—

- (a) such open space shall be left as the General Committee may consider practicable, having regard to all the circumstances of the case, and
- (b) not more than two-thirds of the total area of the site shall be occupied by masonry buildings or verandahs.

24. (1) Except in localities where the erection of only detached buildings is allowed, if either side of a domestic building is not attached to the adjacent building, and if such side does not abut on an open square or the like, which is dedicated to public use, and is consequently not likely to be built upon, there must be between the buildings an open space extending along the entire length of such side, and belonging exclusively to the said domestic building.

(2) The minimum distance across such space from every part of the said domestic building to the boundary line, or (if the boundary is a wall) the inner edge of the boundary wall, of the land or building immediately opposite such part, shall be—

- (a) six feet, if there is a building next to such boundary line or wall, or
- (b) four feet, if there is an open space of at least four feet on the other side of such boundary line or wall.

25. (1) Every interior courtyard and every open space prescribed by rule 22 or rule 24 must be raised at least one foot above the level of the centre of the nearest street, so as to admit of easy drainage into the street.

Interior courtyards and outward open spaces to be raised and kept open.

(2) Every interior courtyard and every such open space must be open to the sky throughout its entire area, and must be kept

# 386 SCH. XVII.—RULES AS TO USE OF BUILDING-SITES, ETC.

**Ben. Act** accessible for the purpose of cleansing ; and no structure shall be  
**III. 1899,** erected within or above, or so as to project over, the same :  
**Sch.**

**XVII.,** Provided that a privy or a receptacle for ashes may be erected  
**Rules 26-** in any such open space.  
**29.**

26. No room other than a bath-room or privy shall be  
 Prohibition of rooms placed over a privy in a domestic build-  
 over privies. ing.

Further provisions as 27. The following further provisions  
 to dwelling-houses in shall have effect in the case of dwelling-  
 bustees. houses in bustees, that is to say,—

(a) the owner of the land in a bustee on which a dwell-  
 ing-house is to be erected must give up all land  
 which may be required so as to leave a space of  
 twenty feet in front of and along the entire length  
 of the boundary line of the premises ;

(b) all land so given up shall vest in the Corporation,  
 and the owner shall receive reasonable compensa-  
 tion therefor.

## *Part V.—Buildings of the Warehouse Class.*

28. (1) In applying sub-rule (1) of rule 2 to any building  
 Height of buildings of of the warehouse class situated in a loca-  
 the warehouse class. lity which has been set apart, by declara-  
 tion under section 367, for the erection of buildings of the ware-  
 house class, the said sub-rule shall be read as if "fifty-six-and-  
 a-half degrees" were substituted for "forty-five degrees."

(2) Sub-rule (2) of rule 2 shall not apply to any such  
 building.

29. The provisions of rules 22, 24, and 25 as to domestic  
 Open spaces for build- buildings shall have effect in the case of  
 ings of the warehouse buildings of the warehouse class which are  
 class. not situated in a locality which has been  
 set apart, by declaration under section 367, for the erection of  
 buildings of the warehouse class.

*Part VI.—Applications for Approval of Sites for, and for Permission to erect or re-erect, Masonry Buildings.*

Ben. Act  
III. 1899,  
Sch.  
XVII.,  
Rule 30.

30. (1) Every application for approval of a site for a masonry building must be written on a printed form (to be supplied by the Chairman free of charge), and must state the position of the site, the number assigned to it in the assessment-book, its dimensions, and such other particulars as may be prescribed by the General Committee.

Application for approval of site for erection or re-erection of masonry building.

(2) The site-plan sent with such an application must be drawn to a scale of not less than one-fiftieth of an inch to a foot, must be sent in duplicate, and must show—

- (a) the boundaries of the site ;
- (b) the position of the site in relation to neighbouring streets ;
- (c) the name of the street in which the building is proposed to be situated ;
- (d) the position of the building, in relation to—
  - (i) the boundaries of the site,
  - (ii) all adjacent streets, buildings and premises within a distance of forty feet of the site, and
  - (iii) (if there is no street within a distance of forty feet of the site) some existing street or some street projected under section 356 or sanctioned under section 358 ;
- (e) the means of access to the building from the street ;
- (f) the position and approximate height of all other buildings within forty feet of the site ;
- (g) the position, form, dimensions, and ventilation of privies, urinals, drains, cesspools, stables, cattle-sheds, cow-houses, wells, and other appurtenances of the building, and the inclination of such drains ;
- (h) free passage or way in front of the building ;
- (j) space to be left about the building to secure a free circulation of air, admission of light, and access for scavenging purposes ;
- (k) the width and level of the street (if any) in front, and of the street (if any) at the rear, of the building ; and

Ben. Act  
III. 1899,  
Sch.  
XVII.,  
Rule 31.

(2) such other particulars as may be prescribed by the General Committee.

31. (1) Every application for permission to erect or re-erect a masonry building must be written on a printed form (to be supplied by the Chairman free of charge), and must state the description of the building, its dimensions, and such other particulars as may be prescribed by the General Committee.

Application to be sent  
and particulars furnished  
by person intending to  
erect  
masonry building.

(2) The plan of the building and the elevations and sections accompanying such an application must be neatly and accurately drawn to a scale of not less than one-eighth of an inch to a foot, and must be sent in duplicate, and the said plan must show—

(a) the levels and width of the foundation of the building ;

(b) the level of the lowest floor of the building ; and

(c) the level of all courtyards and open spaces in the building or premises, and the plinth-level of buildings with reference to the level at the centre of the nearest street.

(3) The specification accompanying such an application must comprise full information as to the following particulars, namely,—

(i) the materials and method of construction to be used for external walls, party-walls, foundations, roofs, floors, fire-places, and chimneys ;

(ii) the manner in which roof and house drainage and the surface drainage of land will be disposed of ;

(iii) the manner, if any, in which it is proposed to pave the courtyards and open spaces in the building or premises, and the slope to which the surface is to be made in each case ;

(iv) the means of access that will be available to scavengers to get to service-prives ;

(v) the purpose for which it is intended to use the building ; and

- (vi) if the building is intended to be used as a dwelling-house for two or more families, or as a place for carrying on any trade or business in which more than twenty people may be employed, or as a place of public resort,—the means of ingress and egress.
- Ben. Act  
III. 1899,  
Sch.  
XVII.,  
Rules 32-  
34.

*Explanation to clause (v).*—If it is intended to use the building, or any part thereof, for any of the purposes specified in Schedule XVIII., or as a stable, cattle-shed, or cow-house, the fact must be expressly stated.

32. An application for approval of a site for, and an application for permission to erect or re-erect, a masonry building, may, if the applicant so desires, be sent together.

Option to send such applications together.

33. (1) The plans, elevations, and sections referred to in section 370 must be signed clearly and in a prominent place by the owner of the building.

Signature of plans, elevations, and sections.

(2) If the said documents have been prepared by an Architect or an Engineer, they may be signed by him as well as by the owner.

34. (1) All information and documents which it may be found necessary to require, and all objections which it may be found necessary to make, before deciding whether a site should be approved for a masonry building, or whether permission to erect or re-erect a masonry building should be given, shall be respectively required and made in one requisition, and the applicant shall be apprised thereof at the earliest possible date.

Formulation of requirements and objections.

(2) Within thirty days after the receipt of any application under section 370 for approval of a site, the Chairman may require the applicant—

- (a) to furnish him with any information on matters referred to in that section which has not already been given in the documents received thereunder; or

390 SCH. XVII.—RULES AS TO USE OF BUILDING-SITES, ETC.

Ben. Act  
III. 1899,  
Sch.  
XVII.,  
Rules 35,  
36.

(b) to satisfy him that there are no objections which may lawfully be taken, on any of the grounds mentioned in section 377, to the approval of the site.

(3) Within thirty days after the receipt of any application under section 370 for permission to execute work, the Chairman may require the applicant—

(i) to furnish him with any information on matters referred for in that section which has not already been given in the documents received thereunder, or with any document prescribed by that section which has not been sent in; or

(ii) to satisfy him that there are no objections which may lawfully be taken, on any of the grounds mentioned in section 377, to the grant of permission to execute the work.

(4) If any information or documents required under sub-rule (2) or sub-rule (3) is or are, in the opinion of the Chairman, incomplete or defective, he may, within thirty days after the receipt of the same, require further information or documents to be furnished.

(5) If any requisition made under sub-rule (2), sub-rule (3), or sub-rule (4), is not complied with within three months, the application received under section 370 shall be deemed not to have been made.

35. When the Chairman has approved any site-plan, or given permission to execute any work, he shall sign such site-plan or the approved plans of the work, as the case may be.

36. When approval to a site for a masonry building, or permission to erect or re-erect a masonry building, is refused, the applicant may at any time send to the Chairman a fresh application and fresh or modified documents under section 370, framed with the object of meeting the objections for which such approval or permission was refused.

*Part VII.—Huts.*

Ben. Act  
III. 1899,  
Sch.  
XVII.,  
Rules 37-  
44.

37. Huts in a bustee must be built in continuous lines in accordance with an alignment to be prescribed by the General Committee, and demarcated on the ground.

Continuous lines.

38. Where an alignment prescribed under rule 37 does not correspond with the alignment of a street in the bustee, a passage of at least twelve feet, measured from eave to eave, must be left between the rows of huts abutting on such prescribed alignment.

Passages.

39. All passages referred to in rule 38 shall remain private property, subject to a right in the municipal authorities to send carts along them, or otherwise make use of them, for any of the purposes of this Act.

Use of passages.

40. Notwithstanding anything contained in rule 37, huts in a bustee may, with the special sanction of the General Committee, be built so as to form an open courtyard, comprising at least one-fourth of the whole area occupied by the huts and courtyard.

Courtyard.

41. There must be between all huts abutting on a street in a bustee, except in the case of huts referred to in rule 40, a space of at least three feet measured from eave to eave.

Space.

42. Except with the sanction of the General Committee, no hut shall be placed at a greater distance than one hundred feet from the nearest part of a metalled and sewered street.

Distance of huts from metalled and sewered street.

43. No portion of a hut shall be placed within six feet of a masonry building:

Distance between hut and masonry building.

Provided that this rule shall not preclude the erection of huts in compounds in any case where masonry out-offices would be permissible.

44. Every hut abutting on a street or passage, whether public or private, must be constructed so as not to project over, or admit of water from the roof falling upon or injuring, the street or passage.

Prohibition of projections or dropping of water over street or passage.

Ben. Act  
III. 1899,  
Sch.  
XVII.,  
Rules 45-  
48.

45. No hut shall comprise more than two storeys, or shall exceed eighteen feet in height measured from the top of the plinth to the junction of the eaves and wall.

46. The plinth of a hut must be raised at least two feet above the level of the centre of the nearest street or passage.

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*Part VIII.—Applications for Permission to erect or re-erect Huts.*

47. (1) Every application for permission to erect or re-erect a hut must be written on a printed form to be supplied by the Chairman free of charge.

(2) If it is intended to use the hut or any part thereof for any of the purposes specified in Schedule XVIII. or as a stable, cattle-shed, or cow-house, the fact must be expressly stated in the said application.

(3) The site-plan sent with such an application must be drawn to a scale of not less than one-eighth of an inch to a foot, must be sent in duplicate, and must show—

(i) the hut,

(ii) the privy provided or to be provided for the use of occupants of the hut,

(iii) the means of access to the hut from the street or passage on which it abuts,

(iv) the position of the hut in relation to all huts, streets, passages, privies, and tanks within a distance of fifty feet from the site, and

(v) such other particulars as may be prescribed by the General Committee.

Power of Chairman to require further information or a proper site-plan.

48. (1) The Chairman may require the applicant—

(a) to furnish him with any information on matters referred to in section 384 which has not already

been given in the documents received thereunder, or with a proper site-plan as prescribed by that section, or

- (b) to satisfy him that there are no objections which may lawfully be taken, on any of the grounds mentioned in section 389, to the grant of permission to execute the work.

Ben. Act  
III. 1899,  
Sch.  
XVII.,  
Rules 49-  
51.

(2) If any information or plan required under sub-section (1) is, in the opinion of the Chairman, incomplete or defective, he may require further information or a fresh plan to be furnished.

(3) If any requisition made under sub-rule (1) or sub-rule (2) is not complied with within one month, the application received under section 384 shall be deemed not to have been made.

49. When permission to erect or re-erect a hut is refused, the applicant may at any time send to the Chairman a fresh application and a fresh or modified plan under section 384 framed with the object of meeting the objections for which such permission was refused.

Fresh application after refusal of permission to erect or re-erect a hut.

*Part IX.—Application of Rules to Alterations of, and Additions to, Buildings.*

50. In applying rule 2 in the case of an alteration of, or addition to, any building which was erected before the commencement of this Act, the angle at which the lines referred to in sub-rule (1) of that rule are to be drawn shall be fifty-six-and-a-half degrees instead of forty-five degrees :

Relaxation of rule 2.

Provided that nothing contained in this rule shall authorize any addition to a building which would make it higher than any building which, at the commencement of this Act, is standing on the same site.

51. Rule 27 shall not be applied in the case of any dwelling-house which is being altered or added to unless the front of the house is being enlarged.

Restriction on application of rule 27.

Ben. Act  
III. 1899,  
Sch.  
XVII.,  
Rules 52,  
53.

52. (1) Rules 30 to 36, or rules 47 to 49, as the case may be, shall not be applied in the case of any alteration of, or addition to, a building unless one or more of the following works is or are undertaken, namely,—

- (a) the construction of a roof or an external or party-wall,
- (b) any repairs to the building which involve the reconstruction of a masonry wall, a lift-shaft, or a chimney after the same has been entirely or in great part demolished,
- (c) the closing of any door or window in an external wall,
- (d) the construction of an internal wall or partition,
- (e) any other alteration of the internal arrangements of a building which affect an alteration of its courtyard or courtyards or its drainage, ventilation, or sanitary arrangements, or which affect its security,
- (f) the addition of any building, room, out-house, or other structure,
- (g) the roofing of any space between one or more walls and buildings,
- (h) the conversion into more than one place for human habitation of a building originally constructed as one such place,
- (j) the conversion of two or more places of human habitation into a greater number of such places ;
- (k) the alteration of a building for the purpose of effecting a partition amongst joint-owners.

(2) In the case referred to in clause (g) of sub-rule (1), the said rules 30 to 36, or rules 47 to 49, as the case may be, shall apply only as regards the structure which is formed by roofing a space, and not as regards adjoining buildings.

53. (1) If, in any case of urgency arising from causes beyond his own control, any person desires to undertake without delay any of the works referred to in rule 52, he may send to the Chairman an application for provisional permission to proceed with the work.

Grant of provisional permission to proceed with work in cases of urgency.

(2) Such application must contain an explanation of the urgency and a general description of the work proposed to be undertaken.

(3) Within a period of three days after the receipt of any such application, the Chairman shall, by written order, either grant or refuse to grant provisional permission to proceed with the work.

(4) If, within the said period of three days, the Chairman has neither granted nor refused to grant such provisional permission, the same shall be deemed to have been granted.

(5) Whenever such provisional permission is granted, and in any case provided for by sub-rule (4), the applicant must, within fifteen days, send to the Chairman a regular application for permission to execute the work; and, if he fails to do so, the provisional permission shall be deemed to be withdrawn.

## SCHEDULE XVIII.

### CERTAIN PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENSE.

[See sections 466, 472, 582, and 583 and Schedule XVII., rules 31 (3) and 47 (2).]

(1) Casting metals.

(2) Manufacturing bricks, pottery, or tiles.

(3) As a knacker's yard.

(4) As a hide godown or hide screw-house.

(5) As a manufactory or place of business from which offensive or unwholesome smells, fumes, or dust arise.

(6) As a dépôt for hay, straw, wood, coal, or rags.

(7) Packing, pressing, cleansing, preparing, or manufacturing, by any process whatever, any of the following articles, namely:—

cloths in indigo or other		pottery,
colours,		
paper,		silk.

**Ben. Act** (8) Storing, packing, pressing, cleansing, preparing, or  
**III. 1899,** manufacturing, by any process whatever, any of the following  
**Sch.** articles, namely, —  
**XVIII.**

blasting powder,	horns,
blood,	iron,
bones,	jute,
candles,	leather,
catgut,	lime,
chemical preparations,	manure,
china grass,	matches for lighting,
cocoanut fibre,	meat,
*cotton or cotton refuse or	nitro-glycerine,
seed,	offal,
dammer,	oil,
dynamite,	oil-cloth,
fat,	* pitch,
finns,	rags,
fireworks,	rosin,
fish,	saltpetre,
flax,	skins,
flour,	soap,
fulminate of mercury,	spirits,
gas,	sulphur,
gun cotton,	surki,
gunpowder,	tallow,
hair,	tar,
hemp,	tow,
hides,	turpentine,
hoofs,	wool.

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\* The storing of pressed bales of cotton is excepted.

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## SCHEDULE XIX.

## REGISTRATION OF BIRTHS,

(See sections 530, 531, and 567.)

Births in the district of

18 .

1	2	3	4	5	6	7	8	9	10	11
Number.	When born.	Where born.	Nationality or caste.	Name, if any.	Sex.	Name of father.	Profession of father.	Signature, description, and residence of informant.	When registered.	Signature of Registrar.

Ben. Act  
III. 1899,  
Sch. XIX.



SCHEDULE XXI.

Ben. Act  
III. 1899,  
Sch. XXI.

FORM OF NOTICE TO BE AFFIXED ON PREMISES WHEN OTHER  
MEANS OF SERVICE NOT AVAILABLE.

(See sections 592 and 593.)

[THIS NOTICE TO BE ISSUED ON YELLOW PAPER,]

To [name and address].

To the owner or occupier of [*number of building or description of land, and number of premises in assessment-book*].

Take notice that a bill [*or, as the case may be*] has been issued against you to the following effect [*state the substance of the document*] and that you are required to [*state the requirement as mentioned in the document*].



## APPENDIX.

### CONTAINING RULINGS ON THE REPEALED MUNICIPAL ACT.

Ss. 2, 252, 256, 257, 265.

S. 2, para. 5 of Ben. Act II. of 1888, the Calcutta Municipal Consolidation Act (by which Act the former Calcutta Municipal Act Ben. Act IV. of 1876 is repealed) provides that pending proceedings which may have been commenced under any repealed Act shall be deemed to have been *commenced* under the new Act; but though commenced before the passing of the new Act they must, to be effectual, be continued under its provisions, and can only be used to enforce rights and powers in existence at the time when it is sought to enforce them. Where, therefore, before the passing of the Act II. of 1888, and whilst Act IV. of 1876 was in force, the Municipality took measures under the latter Act to cleanse *basti* land which was in an insanitary state, and notwithstanding the passing of Act II. of 1888, which provided totally different preliminaries and procedure for the purpose, continued the improvements practically under the Act of 1876, *held* that, even if the proceedings could be considered, under s. 2 of Act II. of 1888, to have been commenced under the new Act, the action of the Municipality amounted to trespass, for which they were liable in damages to the owner of the land.—*THE CORPORATION OF CALCUTTA v. JADU LALL MULLICK*, I. L. R., 21 Cal. 528.

[Petheram, C.], Prinsep and Trevelyan, JJ. Jan. 18, 1894.]

Ss. 4, 8, 20, 21, 23, 332.

There is nothing in the Calcutta Municipal Act (Ben. Act II. of 1888), or in the Local Government Rules issued under s. 19 of the Act, which requires that the name of a candidate, or of the proposer, seconder, or approver of a candidate, at a municipal election, should be published in the revised list of voters. Ss. 20 and 23 of the Act only lay down rules applicable to voters; they do not control the qualifications of proposers, seconds, or approvers. Ss. 8, 14, 20, 21, 22, 23, 31, 32 discussed. *Semble*.—The High Court has jurisdiction by a proceeding in the nature of a *quo warranto* to restrain a person who has not been duly elected from exercising the functions of a duly elected Commissioner. The Chairman has no judicial discretion in preparing the list of candidates. *In the Matter of Mutty Lall Ghose* (I. L. R., 19 Cal. 192) approved. Under s. 31 of the Act every candi

date for election must send in his name to the Chairman not less than seven days before the day fixed for election, together with the names of his proposer, seconder, and approvers. The Chairman has no power to waive this rule. Where there is a *prima facie* compliance with s. 31 of the Act, the Chairman has no power to go further and determine questions affecting the status of persons claiming to be candidates. The Chairman can only revise the original list of voters in the manner laid down by s. 22, or on applications made under s. 21, or in pursuance of an order from the Presidency Magistrate under s. 23. The issue of a supplementary list of voters is not sanctioned by the Act. A definition of the term "elector" with necessary qualifications is given in s. 8 of the Act. There is nothing in the Act preventing a person qualified to vote under s. 8 from voting, although his name does not appear on the revised list of voters. The only prohibition is that found in the Local Government Rules issued under s. 19 of the Act.—IN THE MATTER OF W. CORKHILL, I. L. R., 22 Cal. 717.

[Sale, J. April 2, 1895.]

Ss. 24, 31.

S. 31 of Ben. Act II. of 1888 does not impose on the Chairman of the Municipality the duty of exercising any judicial discretion, or taking any judicial action with regard to the list of candidates prepared under that section.—IN THE MATTER OF MUTTY LALL GHOSE, I. L. R., 19 Cal. 192.

[Trevelyan, J. March 14, 1892.]

S. 87.

The Standard Marine Insurance Company, being an insurance company which is registered in England, and carries on insurance business through the agency of a firm of general merchants in Calcutta, is not liable to pay the license tax imposed by s. 87 and the second schedule of the Calcutta Municipal Consolidation Act (Ben. Act II. of 1888.) The business of insurance is not one of the occupations mentioned in the second schedule to the Act, and s. 87 only imposes the tax upon persons who exercise some or one of the professions, trades, or callings mentioned in that schedule. The words of the section limit its operation to "persons," which expression includes joint-stock companies who exercise the particular occupations prescribed in the schedule. The Standard Marine Insurance Company is not liable to be taxed, as keepers of a place of business, under class VI. of the second schedule of the above Act, because its business is carried on in Calcutta by its agents at their own offices,

and the Company has no place of business of its own at all in Calcutta.—CORPORATION OF CALCUTTA *v.* STANDARD MARINE INSURANCE COMPANY, I. L. R., 22 Cal. 581.

[Petheram, C.J., and Beverley, J. April 1, 1895.]

### S. 87.

A joint-stock company carrying on money-lending business through agents in Calcutta, where it has no registered place of business, is liable to pay license tax under s. 87 and Sch. II. of the Calcutta Municipal Act of 1888. *Corporation of Calcutta v. Standard Marine Insurance Company* (1885, I. L. R., 22 Cal. 581) distinguished.—CORPORATION OF CALCUTTA *v.* EASTERN MORTGAGE AGENCY CO., LD., 2 C. W. N. 328, S.C., I. L. R., 25 Cal. 483.

[Banerjee and Hill, JJ. December 21, 1897.]

### Ss. 117, 119.

A suit, by the proprietor of a *bustee* land for the recovery of municipal taxes from the owner of a hut in the *bustee*, is cognizable by the Provincial Small Cause Courts.—BROJONATH MITTRA *v.* GOPI SHAKRANI, I. L. R., 23 Cal. 835.

[Petheram, C.J., and Rampini, J. May 15, 1896.]

### Ss. 123, 125, 127, 133, 135, 137, 138.

The term "valuation" in s. 135 of Act II. of 1888 (B.C.) does not mean merely quantum of valuation, but the process or act of valuation. When, therefore, a rate-payer objects that a valuation is illegal, inasmuch as a period of six years had not expired from the date of the last preceding valuation, the Small Cause Court Judge, in hearing an appeal under s. 137 of Act II. of 1888 (B.C.), has jurisdiction to decide that such valuation is illegal. Under s. 25 of the Provincial Small Cause Courts Act, the High Court can interfere only in cases cognizable by the Small Cause Court, and cannot do so in the present case by reason of sub-s. (c) of s. 3 of that Act. Under s. 622, C. P. C., the High Court may interfere in regard to certain errors, other than those of jurisdiction, but no such errors have been suggested in the present case.—THE CORPORATION OF CALCUTTA *v.* BHUPATI ROY CHOWDHURY, 3 C. W. N. 70.

[Maclean, C.J., and Bannerjee, J. August. 5 & 22, 1898.]

### Ss. 125, 132, 135.

The word "valuation" in s. 135 of the Calcutta Municipal Consolidation Act (Ben. Act II. of 1888) means, not "the amount of the valuation" only, but also the process or act of valuation.

A valuation was made by the Calcutta Municipality of a holding, the rate-payer objected to the amount, and the Vice-Chairman of the Municipality, on hearing the objection, fixed the valuation at a certain amount. Within six years from this valuation fixed after objection, a revaluation was made by the Municipality, and the rate-payer objected to the legality of such valuation on the ground that the Municipality had no power to make a re-valuation within six years from the date of the last valuation. The Vice-Chairman overruled the objection, and the rate-payer appealed under s. 157 of the Act to the Judge of the Court of Small Causes at Sealdah, who allowed the appeal. *Held* that, inasmuch as the objection raised by the rate-payer was an objection to the valuation within the meaning of s. 135 of the Act, the Judge of the Small Cause Court had jurisdiction to deal with it. That being so, it was not open to the High Court to interfere either under s. 25 of the Provincial Small Cause Courts Act, or under 622 of the Code of Civil Procedure, or under s. 15 of 24 and 25 Vict., c. 104.—*CORPORATION OF CALCUTTA v. BHUPATI ROY CHOWDHURY*, I. L. R., 26 Cal. 74.

[Maclean, C.J., and Banerjee, J. Aug. 22, 1898.]

Ss. 307, 335, 336.

The petitioners, as owners, let out a stable on hire, where *ticca gharries* and horses were kept by the lessee without taking out a license from the Municipal Commissioners. The petitioners were convicted under ss. 307 and 336 of the Calcutta Municipal Act (II. of 1888, B.C.) for having permitted offensive matters, &c., and animals to be kept on the premises in contravention of the provisions of s. 335 of the Act. *Held* that the convictions were bad, the lessee alone being answerable in such a case for disregarding the provisions of the Act. The penalty, under s. 736 of the Calcutta Municipal Act of 1888, attaches to the owner of any land for permitting any animals to be kept thereon, when he has direct possession of the land, and not when he has leased it out to another.—*ABHOY CHARAN DASS v. MUNICIPAL WORD INSPECTOR*, I. L. R., 25 Cal. 625; s.c., 2 C. W. N. 289.

[Banerjee and Stevens, J. Feb. 10, 1898.]

Ss. 335, 336.

In a case where the owner of a cowshed delayed taking out a license under s. 335 of the Calcutta Municipal Consolidation Act (Ben. Act II. of 1888), until the end of the month of May, *Held* that under the section as it stands there is nothing to compel a licensee to take out his license before 1st June in every year.—*AUKHOY CHANDRA HATI v. CALCUTTA MUNICIPAL CORPORATION*, I. L. R., 24 Cal. 360.

[Ghose and Gordon, J]. January 28, 1897.]

s. 364,

Where a person is accused of selling adulterated articles of food on the evidence of a Chemical Analyst, and alleges in defence that it is a mixture recognised in the market, he ought to be allowed to prove his allegation. So where an oil-seller was prosecuted by a food-inspector for selling mustard-oil mixed with other kinds of oil, and he succeeded in proving that what is known as mustard-oil in the market was ordinarily prepared in the same manner as the specimen analysed, the case was held to be protected under the first proviso to s. 364 of the Calcutta Municipal Consolidation Act (II., B. C., of 1888.).—BAISHTAB CHARAN DAS *v.* UPENDRA NATH MITRA, 3 C. W. N. 66.

[Stevens and Henderson, JJ. 4, Aug. 1898.]

S. 381, 385.

The Municipal Authorities issuing a certificate under the provisions of s 381 of the Calcutta Municipal Act (Ben. Act II. of 1888), prohibiting the use of a burial ground, must definitely specify the point of time from which the period fixed by them under that section is to run.—LUTFUR RAHMAN NUSKUR *v.* MUNICIPAL WARD INSPECTOR, I. L. R., 25 Cal. 492; s.c., 2. C W. N. 145.

[Banerjee and Hill, J. Dec. 14, 1897.]

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# GENERAL INDEX.

## A.

**ACCOUNTS:** how to be kept, s. 142.

*See* **AUDIT OF ACCOUNTS ; MUNICIPAL ACCOUNTS.**

**ACT :** short title, extent, and commencement of, s. 1.

may be extended to Howrah, s. 640.

extension of, after considering objections, s. 641.

effect of extension of, s. 642.

**ACTING CHAIRMAN :** salary and house-rent allowance of, s. 35 (4).  
powers and duties of, s. 35 (6).

**ACTING DEPUTY CHAIRMAN :** salary of, s. 35 (4).  
powers and duties of, s. 35 (6).

**ACTING ENGINEER :** appointment and acting allowance of, subject  
to approval of Local Government, s. 74,  
prov. (a).

**ACTING HEALTH OFFICER :** appointment and acting allowance  
of, subject to approval of Local  
Government, s. 74, prov. (a).

**ACTING MUNICIPAL OFFICER :** appointment and acting allow-  
ance of, s. 74.  
powers of, s. 75.

**ACTING MUNICIPAL SERVANT :** appointment and acting allow-  
ance of, s. 74.  
powers of, s. 75.

**ACTING VICE-CHAIRMAN :** appointment and salary of, s. 35 (5).  
powers and duties of, s. 35 (6).

**ADJACENT MUNICIPALITIES :** filtered water may be supplied to,  
s. 278 (1).

**ADJOURNMENT.** *See* **MEETINGS.**

**ADMINISTRATION REPORT.** *See* **MUNICIPAL ADMINISTRATION  
REPORT.**

**AGENT(S) :** receiving rent of immoveable property, relief to, s.  
613.  
for collection of municipal rates, &c., deemed to be a  
public servant, s. 646.

- AGRICULTURAL LAND(s)** : annual valuation of, s. 152, prov. (b).  
notice to be given to owner before re-  
valuing, s. 159.
- ALMS-HOUSES** : Corporation to provide for construction and main-  
tenance of, s. 14 (2) (v).
- ANIMAL(s)** : tax to be imposed on, s. 188.  
may be seized if license not obtained, s. 196 (1).  
to be sold if not claimed within one month, s. 196  
(3).  
list of, to be prepared and kept open for inspection,  
s. 197.  
unregistered, may be seized and sold if not claimed  
within 10 days, s. 211 (1) & (2).  
proceeds of sale of unregistered, how to be applied,  
s. 211 (3).  
prohibitions as to keeping of, s. 453.  
what to include, s. 458 (4).  
public places may be set apart for washing of, s. 459.  
paving and draining of places set apart for sacrifice  
of, s. 485.  
power to make regulations for places set apart for  
sacrifice of, s. 488.  
prohibition of sale of diseased or unwholesome,  
s. 496.  
slaughter of, at unauthorized places, prohibited,  
s. 501.  
(diseased) may be seized and carried away, s. 503 (2).  
seized, to be taken before Magistrate if not destroyed,  
s. 505.  
tax on, Sch. VIII.  
*See* CARCASS; HACKNEY CARRIAGE.
- APPEAL(s)** : against proceedings of Chairman to be heard and  
decided by Sub-Committee, s. 95 (2).  
against valuation-list to lie to Court of Small Causes,  
s. 162 (1).  
when to be presented, s. 162 (2).  
certain provisions of the Limi-  
tation Act (XV. of 1877), to  
apply to, s. 162 (3).  
not to be admitted unless an  
objection has first been taken,  
s. 162 (4).  
against refusal of Corporation to supply filtered  
water to adjacent municipalities and cantonments  
to lie to Local Government, s. 278 (2).  
orders made on such, what to direct, s. 278 (4).

**APPEAL(s)** : orders to be final, s. 278 (5).

- in what cases to lie to General Committee, s. 327.
- against refusal of Chairman to approve of building site, &c., to lie to General Committee, s. 375 (1).
- against alteration of masonry buildings to whom to lie, s. 383 (4).
- against Chairman's refusal to grant permission for erection or re-erection of huts to whom to lie, s. 387 (1).
- against order directing unwholesome wells, &c., to be filled up to whom to lie, s. 447 (4).
- under s. 463, 464, or 466 to whom to lie, s. 468.
- against notice requiring private markets, &c., to be paved and drained to whom to lie, s. 485 (2).
- against refusal to permit registration of shops for re-tail sale of drugs to whom to lie, s. 497 (3).
- against amount of compensation paid for destruction of huts and sheds to whom to lie, s. 518 (2), prov.
- against suspension or revocation of license to whom to lie, s. 586 (4).
- against amount of compensation paid for damages caused by entry on lands adjacent to works to whom to lie, s. 596 (4).
- limitation of time for presentation of, s. 621.
- against valuation of places of business, &c., to whom to lie, Sch. II., rule 13.
- finality of order on such, Sch. II., rule 16.

**APPELLANT** : statement by, against order regarding valuation of places of business, &c., Sch. II., rule 14.

**AQUEDUCTS** : construction of, beyond Calcutta, for bringing water into Calcutta, s. 285.

**ARBITRATION** : differences between owner and occupier of premises to be settled by, s. 282.

**AREA**. See **NEW AREA**.

**ARTICLES**. See **INFECTED ARTICLES**.

**ASSESSMENT-BOOK** : keeping of, s. 164.

transfer to, of names provisionally registered, s. 167.

amendment of, s. 168.

effect of entries in, s. 170.

name and address of owner of building or land to be registered provisionally in, s. 185.

**ASSESSOR** : to be appointed by Corporation, who will also fix his salary, s. 63 (1).

- ASSESSOR**: to cease to hold office if he is seriously indebted,  
s. 67 (2).  
must reside in Calcutta, s. 72.
- ASSOCIATION(S)**: liability and class of, how to be determined, s. 200.  
list of, to be furnished to Chairman, s. 201.  
of individuals, representation of, Sch. IV., rule 8.
- AUDIT OF ACCOUNTS**: cost of, how to be met, s. 143 (3).

## B.

- BAKE-HOUSES**: sanitary regulation of, and prevention of danger  
from machinery, s. 464.
- BALCONY**: projecting over street not to be put up without per  
mission, s. 340 (3).
- BALLOT**: Corporation may resolve that questions be decided by-  
s. 84, prov.
- BANK OF BENGAL**: moneys payable to credit of Municipal Funds  
to be deposited in, s. 111.  
not to make payments out of Municipal Funds  
except upon cheques, s. 112.  
surplus moneys at credit of Municipal Funds  
may be deposited at interest in, s. 119 (1).
- BATHING**: prohibition of, contrary to order or notice, s. 461.
- BATHING PLATFORMS**: to be erected for use of public, s. 239 (1).  
to be supplied with filtered or unfiltered  
water, s. 239 (2).
- BAZAR(S)**: defined, s. 3 (1).  
paving and draining of, s. 485.  
power of Chairman to fix limits of, s. 486.  
to require setting out, &c., of ap-  
proaches, roads, &c., to, s. 487.  
to make regulations for, s. 488.
- BEDDING**: disinfection of infected, s. 520 (1).  
washing of, exposed to infection, s. 520 (2).  
disinfection or destruction of, likely to retain infection,  
s. 520 (3).
- BENGAL CHAMBER OF COMMERCE**: four Commissioners to be ap-  
pointed by, s. 8 (2).  
appointments of Commission-  
ers by, how to be made,  
s. 58 (1).
- BILL(S)**: for recovery of consolidated rate to be presented to per-  
son liable, s. 213 (1).

- BILL(s)** : what to specify, s. 213 (2).  
to be presented for immediate payment by persons about  
to leave Calcutta, s. 226 (1).  
signature on, may be stamped, s. 590.  
by whom to be served, issued, or presented, s. 591.  
service of, how to be effected otherwise than on owner or  
occupier of premises,  
s. 592.  
on owner or occupier of pre-  
mises, s. 593.
- BIRTH(s)** : information of, by whom to be given, s. 531.  
form of registration of, Sch. XIX.
- BLOCKS.** See WATER-METER.
- BLOWN MEAT** : deemed to be unfit for human food, s. 503 (3).
- BOARDS** : on which bye-laws, &c., are affixed not to be wilfully  
destroyed, &c., s. 572 (3).
- BORROWING POWERS** : of Corporation, limited, s. 131.
- BRIBERY** : prohibited at ward-elections, s. 57.
- BRIDGES.** See NEW BRIDGES.
- BUDGET ESTIMATE** : General Committee to frame, s. 121 (1).  
what to contain, s. 121 (2).  
to be sent to every Commissioner, s. 122.  
consideration of, by Corporation, s. 123.  
final adoption of, s. 125.
- BUDGET-GRANT** : defined, s. 3 (2).  
power to alter, s. 126.
- BUILDING(s)** : Corporation to provide for survey of, s. 14 (2) (iv).  
power to impose rates upon, s. 147.  
used for purposes of public charity, public worship,  
and public burial or burning grounds, exempt  
from consolidated rate, s. 150 (1).  
the annual value of which does not exceed Rs. 20,  
may be exempted from consolidated rate, s. 150  
(3).  
annual value of, how to be ascertained, s. 151.  
assessment of annual value of, and duration of as-  
sessment, s. 152 (1).  
altered or improved, may be re-valued, s. 152 (2)-  
prov. (d).  
suffering depreciation may be re-valued, s. 152 (2),  
prov. (e).  
altered or improved after re-valuation may be newly  
valued, s. 152 (2), prov. (f).  
assessment of, may be apportioned, if divided into  
separate shares, s. 152 (2), prov. (g).

- BUILDING(s)** : separate assessment of portions of, s. 155.  
returns of measurements, &c , of, to be furnished to  
Chairman, s. 156 (1).  
valuation of, to be entered in a list, and inspection  
of the same, s. 157 (1).  
notice may be given by person objecting to valuation of, s. 160.  
objections to valuation of, to be entered in a register, s. 161 (1).  
valuation of, when deemed to be final, s. 163.  
annual value of, to be entered in books, s. 164.  
period for which revised valuations of, to continue in force, s. 169.  
liability of purchaser of, for vendor's share of consolidated rate, s. 223.  
consolidated rate to be a first charge upon, s. 228.  
draining of group or block of, by a combined operation, s. 298 (1).  
drains not to be constructed beneath, without permission, s. 303.  
cesspools not to be constructed beneath certain, s. 304.  
alley or passage between two or more, to be paved, s. 306.  
may be opened or broken up for inspection and examination of house-drains, &c., s. 318.  
removal of fixtures attached to, projecting over public street or land, s. 341 (1).  
numbering of, in or near a street. s. 349 (1).  
numbers on, not to be wilfully destroyed, pulled down or defaced, s. 349 (2).  
to be replaced by owner if removed or defaced s. 349 (3).  
power of General Committee to define general line of, s. 350.  
abutting on public street, not to be constructed within the line, s. 351.  
(projecting) to be set back, s. 352 (1).  
may be set forward to improve line of public street, s. 353.  
may be acquired for improvement of public street, s. 357 (1).  
outside proposed street alignment, may be acquired in addition, s. 357 (2).  
so acquired, how to be disposed of, s. 357 (5).  
not to be erected or re-erected in contravention of provisions, s. 363.

**BUILDING(s)** : sale of site unsuitable for, s. 364.

(continuous) in streets may be allowed subject to certain provisions, s. 367 (1) (a) (i).

(detached) may also be allowed, subject to certain provisions, s. 367 (1) (b).

of the ware-house class, not to be erected without permission, s. 367 (1) (c) (ii).

not to be erected or re-erected in contravention of declaration, s. 367 (6).

external roofs or walls of, not to be made of inflammable materials, s. 368.

alteration of, or addition to, not to be made without consent of General Committee, s. 391 (1).

to be made subject to certain provisions, s. 391 (2).

to be exempted from operations of Ch. XXIV., s. 393.

may be acquired for certain improvements, s. 394.

transfer of, to person for carrying out improvements, s. 397 (1).

(new) not to be erected over municipal gas-pipe without permission, s. 427 (1).

inspection of, for sanitary purposes, s. 439.

power to require, to be cleansed and limewashed, s. 440.

when untenanted, &c., to be secured, enclosed, &c., s. 441.

in a ruinous state, to be taken down, repaired, &c., s. 442.

sale of materials of, taken down, s. 443.

unfit for human habitation, not to be used, s. 444.

unlawfully erected or re-erected may be demolished or altered, s. 449.

(infected), disinfection of, s. 517.

not to be let without being first disinfected, s. 519.

further powers for acquiring and disposing of, s. 556.

may be acquired under Land Acquisition Act (1 of 1894), s. 557:

so acquired to vest in Corporation, s. 558.

fine for unlawful commencement, &c., of, s. 579.

**BUILDING(s)**: fine for disobedience of direction to alter or demolish, unlawfully commenced, &c., s. 580.

for demolition or alteration of, in other cases, s. 581.

fine for putting, to other than declared use, s. 582.

fine for using, for offensive trades without previous declaration, s. 583.

Chairman may enter, to inspect, survey, or execute work, s. 595.

expenses of demolishing, how to be recovered, s. 601 (1).

(demolished), materials of, may be sold by public auction if not claimed, s. 601 (3).

scale of ferrules in, Sch. XIV.

drains passing beneath, how to be laid, Sch. XV., rule 13.

height of, Sch. XVII., rule 2.

level of floor of, Sch. XVII., rule 3.

not to be placed over municipal drain without consent, Sch. XVII., rule 4.

passage for access to, from street, Sch. XVII., rule 5.

relaxation of rule 2 in regard to, Sch. XVII., rule 50.

*See* DANGEROUS; GOVERNMENT, PUBLIC, and UNVALUED BUILDINGS.

**BUILDING-LINE**: defined, s. 3 (3).

distance between, and street alignment, Sch. XVII., rule 6.

**BUILDING OF THE WAREHOUSE CLASS**: defined, s. 3 (4).

height of, Sch. XVII., rule 28.

open spaces for, Sch. XVII., rule 29.

**BUILDING-SITES**: formation of plots into suitable, s. 365 (1).

sale of, s. 365 (2).

implied covenant in sales of land for subdivision into, s. 366.

conditions as to use of, Sch. XVII., rule 1.

**BURIAL AND BURNING GROUNDS**: sexton, &c., of, not to bury or burn corpse without certificate, s. 536.

**BURIALS**. *See* REGISTER.

**BUSINESS :** local license required for each separate place of, Sch. II., rule 5.

valuation of places of, not separately valued under Ch. X., Sch. II., rule 6.

**BUSTEE(s) :** defined, s. 3 (5).

power to decide whether any land is or is not a, s. 4.

Corporation to devote not less than 2 lakhs annually to the opening out and improvement of, s. 14 (1) (a).

placard to be posted up in, showing separately the valuation of each building, s. 157 (3).

may be excepted as regards payment and recovery of consolidated rate, s. 184.

power to lay out public streets in, s. 356 (3).

power to define and alter limits of, s. 398.

restriction to masonry buildings in, s. 399.

(unhealthy) to be inspected by two officers, s. 406 (1).

land other than bustee-land may be acquired or purchased for improvement

of, s. 411.

certain provisions to apply to, for bringing it into conformity with standard plan, s. 412.

(unhealthy) may be acquired or purchased for making improvements therein, s. 413 (1).

when deemed to be a re-modelled bustee, s. 418.

power to employ special establishment for cleansing of, s. 420.

(filthy) to be cleansed, s. 421.

See DWELLING-HOUSE ; RATE ; STANDARD PLAN.

**BUSTEE-LAND :** defined, s. 3 (6).

power to decide whether any land is or is not a, s. 4.

annual value of, how to be determined, s. 151, prov. (i.).

notice to be given before re-valuation of, s. 159.

consolidated rate not payable on new huts built or huts enlarged on, s. 181.

power to take land out of the category of, s. 419.

**BUTCHERS :** licensing of, s. 494.

**BYE-LAWS :** powers of General Committee for making, s. 559.

type-plans to be annexed to certain, s. 560.

penalties for breach of, s. 561.

dealing with certain matters, when to be made, s. 562.

Corporation may require General Committee to make, s. 563.

powers for making, exerciseable from time to time, s. 564.

- BYE-LAWS**: conditions precedent to the making of, s. 565.  
 to be subject to confirmation and sanction, s. 566.  
 to be published in Calcutta Gazette, s. 570.  
 printing and sale of copies of, s. 571.  
 exhibition of, on boards, s. 572.  
 cancellation of, and when to take effect, s. 573 (2) and (3).

## C.

**CALCUTTA**: defined, s. 3 (7).

- to be divided into 25 wards for purposes of election of Ward Commissioners, s. 43.
- when may be divided into districts, s. 152 (2).
- to be divided into districts for the purpose of valuing buildings and lands, s. 154.
- execution of distress-warrant outside, s. 224.
- power to take summary proceedings against persons about to leave, s. 226 (1).
- to be divided into blocks for purpose of introducing the continuous system of supplying filtered water, s. 267.
- persons living out of, may be supplied with water, s. 279 (1).
- laying of pipes, &c., beyond, for bringing water into, s. 285.
- to be divided into districts for purposes of registration of births and deaths, s. 526 (2).
- power of Local Government to alter limits of, ss. 636 & 637.
- effect of exclusion of local area from, s. 638.
- of including local area in, s. 639.
- boundaries of, Sch. I.

**CALCUTTA GAZETTE**: list of candidates for the several wards to be published in, s. 55.

- return of persons appointed Commissioners by Bengal Chamber of Commerce, &c., to be published in, s. 58 (2).
- annual statement of trustees of Sinking Funds to be published in, s. 137 (2).
- prohibition of introduction of petroleum into Calcutta to be notified in, s. 206.
- extension of period for introduction of continuous system of supplying filtered water to be notified in, s. 241 (2), prov.
- order extending Ch. XX. to environs of Calcutta to be notified in, s. 280 (1).

**CALCUTTA GAZETTE:** order defining general line of buildings to be published in, s. 350 (5).

declaration relating to streets and localities of future buildings to be published in, s. 367 (5).

scheme for improvements to be published in, s. 395 (3).

order prohibiting excavations to be published in, s. 448 (2).

declaration prohibiting milch-cattle to be kept in particular areas to be published in, s. 455 (4).

declaration preventing use of premises in particular areas to be published in, s. 469 (1).

places for disposal of the dead may be closed by notification in, s. 542 (2).

order directing re-opening of places for disposal of the dead to be published in, s. 543 (2).

time and particulars of census to be published in, s. 546 (2).

draft of bye-laws and rules to be published in, ss. 565 (a), 568 (2) (a).

bye-laws, rules, and regulations under Act to be published in, s. 570.

cancellation of bye-laws, rules, or regulations to be notified in, s. 573 (2).

fees to be paid in proceedings before Small Cause Courts to be notified in, s. 624 (1).

determination of Local Government as to persons by whom fees should be paid to be notified in, s. 624 (2).

notification of intention to alter limits of Calcutta to be published in, s. 636.

exclusion or inclusion of local area from Calcutta to be notified in, s. 637 (2).

notification of intention to extend Act to Howrah to be published in, s. 640.

notification extending Act to be published in, s. 641 (2).

notice of election to be given by advertisement in, Sch. V., rule 1.

See NOTIFICATION.

**CALCUTTA TRADES ASSOCIATION:** four Commissioners to be appointed by, s. 8 (2).

- CALCUTTA TRADES ASSOCIATION** : appointments of Commissioners by, how to be made, s. 58 (1).
- CALLING(s)** : license for, to be taken out annually, s. 198.  
class of license for, and tax to be paid therefor, Sch. II, rule 1.
- CANDIDATE(s)** : list of, for election, to be published, Sch. V., rule 4.  
when deemed to be elected, Sch. V., rule 5.
- CANTONMENTS** : filtered water may be supplied to, s. 278 (1).
- CARCASS(ES)** : public receptacles to be provided for disposal of, s. 429.  
removal of, to places appointed by Chairman, s. 458 (1).  
restrictions as to removal of, s. 458 (3).
- CARRIAGE(s)** : defined, s. 3 (8).  
tax to be imposed on s. 188.  
may be seized if license not obtained, s. 196 (1).  
to be sold if not claimed within one month, s. 196 (3).  
list of, to be prepared and kept open for inspection, s. 197.  
tax on, Sch. VIII.  
*See HACKNEY CARRIAGE.*
- CART(s)** : defined, s. 3 (9).  
registration and numbering of, s. 208.  
fee for registration of, s. 209 (1).  
fee may be remitted if used for portion of the half-year only, s. 209 (2).  
(transferred) to be re-registered, s. 209 (3).  
prohibition as to keeping of, without registration, s. 210.  
(unregistered) may be seized and sold, s. 211. (1) and (2).  
proceeds of sale of, how to be applied, s. 211 (3).
- CASTING VOTE** : presiding authority to have, at meetings of General Committee, s. 93.  
*See VOTE.*
- CASUAL VACANCY(IES)** : elections to fill, to be fixed by Chairman, s. 53 (4).  
mode of filling up, s. 62.
- CATTLE-SHED(s)** : to be under survey and control of General Committee, s. 456 (1).  
may be required to be altered, paved, &c., s. 456 (2).

**CATTLE-SHED(s)** : General Committee may order discontinuance of, s. 457.

**CENSUS** : when and how to be taken, s. 546.  
superintendence of, s. 547.  
expenses of, how to be met, s. 548.

**CRESS-POOL(s)** : not to be constructed beneath certain buildings, s. 304.

not belonging to Corporation, subject to inspection and examination, s. 317.

shafts or pipes may be erected for ventilation of, s. 321.

for reception of sewage or offensive matter not to be constructed within 50 feet of tank, &c., s. 325 (1).

to be under survey and control of General Committee s. 328 (1).

**CHAIRMAN** : appointment and removal of, s. 11.

salary and house-rent allowance of, s. 12.

to refer to Local Government doubts regarding functions of municipal authorities, s. 13 (2).

special functions of, s. 15.

taking action in anticipation of approval, &c., of General Committee, to inform Committee of the fact, s. 16 (2).

to prepare annually the municipal administration report and statement of accounts, s. 17 (1).

what to incorporate in administration report and statement, s. 17 (2) & (3).

to determine the fee to be paid for copy of the administration report, s. 17 (4).

may delegate certain of his powers to any municipal officer, s. 18 (1).

to control and revise exercise of powers delegated to municipal officers, s. 18 (2).

to furnish returns, &c., to Local Government, s. 21.

to comply without unreasonable delay with any requisition made by inspecting officer, s. 22 (3).

to cease to hold office if he has any share or interest in contract or employment with Corporation, s. 27 (2).

is seriously indebted to any person, s. 28 (2).

to devote his whole time to the duties of his office, s. 31.

- CHAIRMAN :** may be a civil or military officer, s. 31, prov. (a).  
 may hold the office of Commissioner under the Calcutta Port Act (Ben. Act III. of 1890), s. 31, prov. (b) (i).  
 may be a member of the Bengal Legislative Council, s. 31, prov. (b) (ii).  
 may hold the office of Chairman to any public institution, s. 31, prov. (b) (iii).  
 must reside in Calcutta, s. 32.  
 to attend daily at the municipal office for transaction of business, s. 33.  
 may delegate his powers to Vice-Chairman and Deputy Chairman, s. 34 (1).  
 to inform Corporation and General Committee of the powers and duties delegated by him to the Vice-Chairman and Deputy Chairman, s. 34 (2).  
 leave of absence may be granted to, s. 35 (1).  
 leave allowance to be paid to, s. 35 (2).  
 at request of Corporation to apply to Chief Judge of Court of Small Causes to determine questions as to disqualification of Commissioners, s. 41.  
 to publish list of duly returned candidates for the several wards, s. 55.  
 to publish names of persons appointed as Commissioners by Bengal Chamber of Commerce, &c., s. 58 (2).  
 to prepare annually a schedule of officers and servants, and the amount of salaries, &c., to be paid to them, s. 65 (1).  
 to make all appointments specified in Schedule, s. 65 (3).  
 to see that rules prescribing qualifications of candidates in Health Department, &c., are duly enforced, s. 68 (2).  
 may call a special meeting of the Corporation, s. 77 (2).  
 to attend all meetings of the Corporation, s. 80.  
 to preside at meetings of Corporation, and to have second or casting vote, s. 81.  
 to make every contract on behalf of the Corporation, s. 86 (2) (a).  
 contracts made by. how to be executed, s. 87.  
 to take sufficient security for the due performance of contracts, s. 89.  
 to fix a day for the first ordinary meeting of the General Committee, s. 90 (3).  
 may call special meetings of the General Committee s. 90 (4).

- CHAIRMAN:** may be a member of a Sub Committee, s. 95 (4).  
 to be President of any Sub-Committee of which he is a member, s. 95 (9), prov.  
 to forward minutes and reports of proceedings of Corporation, &c., to Local Government, s. 99.  
 no fee to be paid to, for attendance at meetings, s. 100, prov. (b).  
 to receive all moneys payable to the credit of the Municipal Funds, s. 111.  
 may remit any portion of the Municipal Funds to a bank beyond Calcutta, s. 113.  
 not to authorize payments out of Municipal Funds unless covered by budget-grant, &c., s. 115.  
 how to proceed when money not covered by a budget-grant is expended, s. 117.  
 may, when required, undertake the execution of works urgently required for the public service, s. 118 (1).  
 to forward copy of requisition for such works to Corporation, s. 118 (3).  
 to make all deposits of surplus moneys at credit of Municipal Funds, and may also invest them in securities or debentures, s. 119 (3).  
 to lay before General Committee annual estimates of expenditure, receipts, and balances and statement of proposed taxes, s. 120.  
 to cause budget estimate to be printed and sent to every Commissioner, s. 122.  
 to cause auditor's report to be printed and sent to each Commissioner, and to lay it before Corporation for consideration, s. 145.  
 to fix period for assessment of annual value of buildings and lands, s. 152 (1).  
 may retain the valuation of buildings and lands for a further period, s. 152 (2).  
 may cause building substantially altered or improved  
     to be re-valued, s. 152 (2) (d).  
     suffering depreciation to be re-valued, s. 152 (2) (e).  
     altered or improved after re-valuation to be newly valued, s. 152 (2) (f).  
 may apportion assessment of building or land if divided into separate shares, s. 152 (2) (g).  
 to cause land and huts to be valued separately in case of bustee lands, s. 153.  
 to divide Calcutta into districts for the purpose of valuing buildings and lands, s. 154.

- CHAIRMAN:** may assess out-houses and portions of buildings separately, s. 155.
- may require owner or occupier to furnish him with returns of measurements, &c., of building or land, s. 156 (1).
- may enter, inspect, &c., any building or land, s. 156 (3).
- to cause valuations of buildings and lands to be entered in a list, &c., s. 157 (1).
- to cause placard to be posted up in bustee showing valuation of building, s. 157 (3).
- to give special notice when valuation is made for the first time or increased, s. 158.
- to give notice before re-valuing any bustee, waste, or agricultural land, s. 159.
- to hear objections to valuation-list, s. 161 (2).
- determination by, in case of valuation, to be final, s. 163 (2).
- to determine the number of books in which particulars of assessment should be entered, s. 164 (2).
- may cause names of owners and occupiers to be entered in assessment-book, s. 165 (1).
- to decide doubts when there are gradations of owners or occupiers, s. 165 (2).
- may amend assessment-book, s. 168.
- may, in certain cases, levy the entire consolidated rate from the owner of a building, s. 178.
- may except any bustee from payment and recovery of consolidated rate, s. 184.
- may require occupier to furnish him with name and address of owner of building or land, s. 185.
- powers of, when occupier fails to furnish such name and address, s. 186.
- may remit or refund tax on carriages and animals if kept for only a portion of the half-year, s. 191 (3).
- may require occupier of building or land to furnish him with statement showing name and address of persons owning carriages and animals, s. 192.
- power of, to grant license on payment of tax, s. 193.
- may compound with livery stable-keepers for payment of tax, s. 194.
- may require production of books and accounts kept by livery stable-keepers, s. 195.
- may enter and inspect any stable or coach-house, s. 196 (1).

- CHAIRMAN:** may order carriages and animals to be restored to owner on payment of tax, s. 196 (2).  
 to be sold if not claimed within one month, s. 196 (3).
- to cause list of persons to whom licenses have been granted to be prepared, s. 197.
- may remit or refund fee for professions, trades, and callings if exercised for less than half the year, s. 198.
- to grant licenses for professions, trades, and callings, s. 199 (1).
- may grant such license for any previous financial year, s. 199 (3).
- may require list of companies, associations, bodies, or persons to be forwarded to him within seven days, s. 201.
- to prepare annually a list of companies, associations, bodies, and persons, s. 202.
- may remit or refund fee for scavenging tax if offensive matter, &c., is removed, s. 203.
- to grant licenses for exercise of callings indicated in Part I. of Sch. IX, s. 204.
- to prepare half-yearly a list of such licensees, s. 205.
- may direct the affixing of numbers on carts, s. 208 (1).
- may appoint days for the registration of carts, s. 208 (2).
- may remit fee if cart used for a portion only of the half-year, s. 209 (2).
- may seize and detain unregistered carts, s. 211.
- to cause bill to be presented for recovery of consolidated rate, s. 213 (1).
- may charge sums in one or several bills, s. 213 (3).
- to cause notice of demand to be served if consolidated rate not paid within seven days, s. 214 (1).
- to fix fee for such notice of demand, s. 214 (2).
- power of, to remit fees payable for notice of demand or warrant of distress, s. 216.
- may order windows or doors to be broken open when executing warrant of distress, s. 217.
- may order property to be taken away if forcible removal apprehended, s. 219.
- when may order sale of moveable property, s. 221 (1).

- CHAIRMAN:** how to apply proceeds of such sale, s. 221 (4).  
 may cause notice of demand to be served on occupier of building or land if consolidated rate not paid by owner, s. 222 (1).  
 may issue warrant for distress and sale of moveable property outside Calcutta, s. 224.  
 power of, to take proceedings against persons about to leave Calcutta, s. 226 (1).  
 may either prosecute defaulter or serve notice of demand on him for recovery of certain taxes, s. 229.  
 may increase amount on failure to pay the consolidated rate, s. 231.  
 powers of, when defaulter does not appear before him or Magistrate, s. 232.  
 to provide hydrants for street-watering, &c., s. 240.  
 to test the purity of filtered water once a week, s. 243.  
 may substitute unfiltered for filtered water for flushing privies or urinals, s. 247 (1).  
 may cut off supply of filtered water if used for other than domestic purposes, s. 247 (2).  
 may allow occupier of masonry building to lay down service-pipes, s. 249.  
 may require owner to obtain supply of water from service-mains, s. 253.  
 may supply filtered or unfiltered water for other than domestic purposes, s. 254 (1).  
 how to proceed when water is so supplied, s. 254 (3).  
 bound to supply ships with filtered water for the voyage, s. 255 (2).  
 may require owner of premises to lay down a separate service-pipe, s. 256 (2).  
     to fix a stop-cock outside premises, s. 258 (1).  
 when may permit the use of a larger ferrule, s. 259 (1), prov. (b).  
 may substitute a prescribed ferrule for a larger one if used before commencement of Act, s. 259 (2).  
 may require cost of service-pipes to be deposited before work is executed, s. 260 (4).  
 may enter premises supplied with water for examination of pipes, taps, &c. s. 261.  
 may require defective water-fittings to be replaced, ss. 262, 263.  
 to divide Calcutta into blocks for introduction of continuous system of supplying filtered water, s. 267 (1).

- CHAIRMAN:** may require defective water-pipes, &c., to be repaired, s. 269 (1).  
 to serve further notice if waste of water continues, s. 269 (2).  
 to cut off supply of filtered water if waste still continues, s. 269 (3).  
 may provide water-meters s. 270 (1).  
 may fix rate at which rent should be paid for water-meters, s. 270 (4) (b).  
 to cause water-meters to be tested, s. 274 (2).  
 may replace water-meters, s. 275.  
 may cause persons living out of Calcutta to be supplied with water. s. 279 (1).  
 power of, to cut off or turn off supply of water to premises, s. 283 (1).  
 may cause water to be again supplied, s. 283 (3).  
 may require wells to be filled up when water supplied, s. 284.  
 may carry municipal drains through streets, &c., s. 290 (1).  
 may construct new drain, or may alter municipal drain, s. 290 (2).  
 to pay compensation for damages caused by erection of new drain, &c., s. 290 (3).  
 power of, to improve or discontinue municipal drains, s. 291 (1).  
 may remove railways, private streets, &c., constructed over municipal drains without permission, s. 292 (2).  
 may close, &c., connections with municipal drains if made in contravention of prescribed conditions, s. 296 (2).  
 may require owner of premises to connect his house-drain with other drains, s. 297.  
 may cause group or block of buildings to be drained by a combined operation, s. 298 (1).  
 to give notice of the nature of the proposed work, s. 298 (2).  
 may enforce drainage of undrained premises situate within 100 feet of municipal drain, s. 299.  
 power of, to enforce drainage of undrained premises in other cases, s. 300.  
 may close or limit the use of house-drains, s. 301 (1).  
 may require sewage and rain-water drains to be distinct, s. 302.  
 house-drains kept up for the benefit of certain premises to be repaired, &c., s. 305 (2).

- CHAIRMAN :** may require courtyard, &c., between two or more buildings to be paved, s. 306 (1).  
 level of court-yard, &c., to be raised, s. 306 (2).  
 owner of building, &c., to provide privy or urinal, s. 312.  
 premises used as markets, &c., to be provided with privies and urinals for the separate use of persons of each sex, s. 313.  
 house-drains, &c., not belonging to Corporation subject to inspection and examination by, s. 317.  
 may cause ground, &c., to be opened for purposes of inspection and examination, s. 318.  
 when to make good such ground, &c., s. 319.  
 power of, to require repairs, &c., to be made, s. 320 (1).  
 may stop up or demolish house-drains, s. 320 (2).  
 may erect or affix shafts or pipes for ventilation of drain or cesspool, s. 321.  
 may cause work in connection with under-ground drains to be supervised, &c., s. 322.  
 may himself cause work to be done when municipal drains, &c., affected, s. 323.  
 to provide and make convenient ways, &c., in executing drainage-works, s. 324.  
 to grant licenses to plumbers, s. 329 (1).  
 to furnish his reasons for refusing to grant such licenses, s. 329 (2).  
 may make regulations for guidance of licensed plumbers, s. 330.  
 may cut off connection if work executed by other than licensed plumber, s. 332 (3).  
 to provide for control over licensed plumbers, &c., s. 334.  
 to cause chief public streets and squares to be watered, s. 338.  
     hedges and trees belonging to Corporation to be cut and trimmed, s. 339 (1).  
     private hedges and trees bordering on public streets to be cut and trimmed, s. 339 (2).  
 may cause hedges and trees to be cut and trimmed without giving previous notice, s. 339 (3).  
 may remove other obstructions in public streets, s. 342 (1).  
 may require dangerous buildings, &c., near streets to be repaired, &c., s. 343.

- CHAIRMAN:** sky-signs not to be erected or maintained without written permission of, s. 344 (1).  
may revoke such written permission, s. 344 (2).  
to cause public streets opened or broken up to be guarded and lighted at night, s. 345.  
may direct street to be closed to traffic during progress of work, s. 346 (1).  
how to proceed when such direction given, s. 346 (2).  
to provide for facilities when work is being executed in public streets, s. 347 (1).  
to pay compensation for damages caused by such works, s. 347 (2).  
to cause names of public streets to be put up in a conspicuous part, s. 348 (1).  
numbers to be affixed to buildings, s. 349 (1).  
may require owner of building to replace number if removed or defaced, s. 349 (3).  
to take possession of land added to street on behalf of Corporation, s. 352 (3).  
may acquire land and buildings for improvement of public streets, s. 357 (1).  
in addition, land outside proposed street alignment, s. 357 (2).  
may require new private streets made in contravention of provisions to be altered or demolished, s. 360.  
may be directed to level, &c., private streets, s. 361 (2).  
may approve or refuse approval of site of masonry building, s. 373.  
may grant or refuse permission for erection or re-erection of masonry building, s. 374.  
to state grounds for refusing such permission, s. 375 (1).  
special powers of, for suspending permission to erect masonry building, &c., s. 378 (a).  
may, for special reasons, grant such permission s. 378 (b).  
may inspect masonry building during its erection or re-erection, s. 382.  
powers of, on making such inspection, s. 383 (1).  
may cancel or confirm notice requiring alterations in masonry building, s. 383 (3).  
to record his reasons for refusing permission to erect or re-erect hut, s. 387 (1).  
may refuse to sanction erection or re-erection of hut in bustee until notice is complied with, s. 405 (2).

- CHAIRMAN:** to provide for lighting of public streets, markets, and buildings, s. 422 (1).  
 may place and maintain electric wires for lighting of public streets, s. 422 (2).  
 may alter gas-pipes made in contravention of provisions, s. 425 (6).  
 may require situation of gas-pipes, &c., to be altered, s. 426 (1).  
 to pay compensation for damage caused by such alteration, s. 426 (2).  
 may cause railway, &c., erected over municipal gas-pipe without permission to be removed, s. 427 (2).  
 to be subject to control of General Committee in exercising powers, &c., under Ch. XXVII., s. 428.  
 to provide public receptacles, &c., for disposal of rubbish, &c., s. 429.  
 may direct means for disposal of rubbish accumulating in premises, s. 430 (1).  
 may cause public dust-bins, &c., to be provided, s. 430 (2).  
 may require rubbish and offensive matter to be deposited in lump in the street, s. 430 (3).  
 to prescribe hours for deposit of rubbish and offensive matter, s. 430 (4).  
 in exercising such powers, to be subject to control of General Committee, s. 430 (5).  
 may direct collection and removal of rubbish and offensive matter accumulating on business-premises, s. 431.  
 to provide for cleansing of streets and removal of rubbish, &c., s. 432.  
 to prescribe hours, &c., for removal of sewage and offensive matter from business-premises, s. 434.  
 power of, to inspect premises for sanitary purposes, s. 439.  
 may require buildings to be cleansed and limewashed, s. 440.  
 powers of, with respect to ruinous buildings, s. 442.  
 may sell materials of buildings taken down, s. 443 (1).  
 remedies of, in compelling payment of expenses of taking down buildings, s. 443 (2).  
 may apply to Magistrate to prohibit use of buildings unfit for human habitation, s. 444.  
 for abatement of overcrowding in dwelling-house, &c., s. 445.

- CHAIRMAN:** may require unwholesome wells, &c., to be filled up, &c., s. 447 (1).  
 powers of, if expenses for such filling-up, &c., are not paid, s. 447 (2).  
 may stop progress of building work unlawfully commenced, s. 451 (1).  
 may order removal of person carrying on work in contravention of orders, s. 451 (2).  
 may direct destruction of stray swine, s. 454.  
 may set apart places for public bathing, &c., s. 459.  
 may regulate the use of public bathing places, &c., s. 460 (1).  
 may prescribe places of bathing for persons of each sex, s. 460 (2).  
 may refuse to sanction the establishment of new factory, &c., s. 463 (2).  
 may require factories, &c., to be kept in cleanly state, s. 464.  
 may revoke permission granting use of steam-whistle or steam-trumpet in factory, &c., s. 465 (2).  
 may lay open and examine pipes, &c., on business-premises, s. 472 (2).  
 may pay expenses for such examination, &c., s. 472 (4).  
 may, without notice, inspect premises used for manufactures &c., s. 473.  
 to provide other suitable places for washermen, s. 475.  
 may prohibit the washing of clothes at other than appointed places, s. 476.  
 may provide and maintain municipal markets and slaughter-houses, s. 477.  
 may close municipal markets or slaughter-houses, s. 478.  
 may remove from municipal market person selling goods without license, s. 479 (2).  
 to cause notice sanctioning new private market to be posted up on conspicuous part of building, s. 480 (3).  
 may refund fee for private market or slaughter-house if closed for more than half the year, s. 481 (3).  
 to cause notice refusing, &c., license for private market to be affixed on conspicuous part of building, s. 481 (4).  
 may require private markets, &c., to be paved and drained, s. 485.  
 may fix limits of private market or bazar, s. 486.

- CHAIRMAN:** may require approaches, &c., to private market or bazar to be set out, s. 487.  
power of, to make regulations for markets, &c., s. 488.  
may levy charges in municipal markets and slaughter-houses, s. 489.  
may expel from municipal market or slaughter-house person contravening bye-laws or regulations, s. 492.  
to grant licenses to butchers and sellers of meat, s. 494.  
may refuse to permit registration of shop or place for retail sale of drugs, s. 497 (2).  
upon registration, to grant license for retail sale of drugs, s. 497 (4).  
power of, to enter place where unlawful slaughter of animals, &c., is suspected, s. 501.  
to provide for inspection of articles exposed for sale for human food or medicine, s. 502.  
power of, to seize articles, &c., which are unwholesome, &c., s. 503.  
may require any article of food exposed for sale to be sold to him for purposes of analysis, s. 507 (1).  
on completion of sale, to notify to seller his intention to have it analysed, s. 507 (2).  
to proceed to divide article into three parts, s. 507 (3).  
to provide local standards of weights and measures, and to arrange for their safe custody, s. 509.  
to provide for verification of such weights and measures, &c., s. 510.  
may fix fees for verification and stamping of weights and measures, s. 511.  
to be subject to control of Corporation in exercise of duties and powers under Ch. XXXVI., s. 512.  
may inspect places and take measures to prevent spread of dangerous disease, s. 514.  
may prohibit use, for drinking or for washing clothes, of water likely to cause dangerous disease, s. 515.  
power of, to remove patient suffering from dangerous disease to hospital, s. 516 (2).  
in exercise of such powers, to be under control of Corporation, s. 516 (3).  
may cleanse or disinfect building likely to retain infection, s. 517 (1).  
when may direct cost of such disinfection to be paid out of Municipal Funds, s. 517 (2), prov.

- CHAIRMAN :** may order destruction of huts and sheds so as to prevent spread of dangerous disease, s. 518 (1).  
 to pay compensation for such destruction, s. 518 (2).  
 to provide places for disinfection of conveyances, &c., s. 520 (1)  
 to fix fees for such disinfection, s. 520 (1) (a).  
 may provide places for washing of conveyances, &c., exposed to infection, s. 520 (2).  
 may direct disinfection or destruction of clothing, &c., likely to retain infection, s. 520 (3).  
 to pay compensation for destruction of clothing or bedding, s. 520 (4).  
 to provide and maintain conveyances for free carriage of patients suffering from dangerous disease, s. 524.  
 power of, to take special measures on outbreak of dangerous disease, &c., s. 525.  
 to divide Calcutta into districts for purposes of registration of births and deaths, s. 526 (2).  
 may appoint additional registrars on occurrence of dangerous disease, s. 526 (3).  
 to appoint sub-registrar for burial or burning ground, s. 526 (4).  
 to cause list of names and dwelling-places of registrars and sub registrars to be printed and published, s. 528.  
     register-books of births and deaths to be prepared and printed, s. 529.  
 to provide new places for disposal of the dead, s. 540.  
 permission of, required to opening of new places for disposal of the dead, s. 541 (1).  
 may grant or withhold such permission, s. 541 (2).  
 may, after personal inspection, report that places for disposal of the dead are or are no longer injurious to public health, ss. 542, 543.  
 to have access to register of burials and cremations, s. 544 (2).  
 may, in special cases, grant permission regarding burials and cremations, s. 545 (2)  
 to direct time and manner of taking census, s. 546 (1).  
 to superintend census operations, &c., s. 547.  
 to select persons to act as enumerators, s. 550.  
 may prescribe fee for printed copy of draft bye-laws, s. 565 (d).  
 to notify price, &c., at which bye-laws, rules, and regulations may be obtained, s. 571 (2).

- CHAIRMAN :** to renew boards on which bye-laws, &c., are exhibited, s. 572 (1).  
 punishment of, for acquiring share or interest in contract, &c., with Corporation, s. 577.  
 to fix fees for licenses and written permissions, s. 586 (2).  
 to direct means by which public notices may be made known, s. 587.  
 proof of consent of, s. 589.  
 may enter upon building or land to survey, inspect, or execute work, s. 595.  
     lands adjacent to works for certain purposes, s. 596 (1).  
 to give notice before entering upon such land, s. 596 (2).  
 to pay compensation for damages caused by such entry, s. 596 (3).  
 to enforce requisition or order under Act in default of person directed, s. 597 (2) and (3).  
 powers of, with respect to disposal of materials of demolished buildings, s. 601.  
 may apportion expenses between owners and occupiers, s. 603.  
 may recover expenses by instalments, s. 605.  
 may declare certain expenses to be improvement expenses, s. 606.  
 to determine period for payment of improvement expenses, s. 607.  
 may recover instalments by distress and sale of moveable property, s. 610.  
 general power of, to pay compensation for damages sustained under Act, s. 614.  
 reference by, to Small Cause Court or High Court in certain cases, s. 616 (1).  
 to defer further proceeding pending decision of such reference, s. 616 (2).  
 may complain to Magistrate of nuisances, s. 632 (1).  
 bound to obey orders of Magistrate, s. 632 (3).  
 powers of, as to institution, &c., of legal proceedings, and obtaining legal advice, s. 633.  
 deemed to be a public servant, s. 646.  
 power of, to issue notices to take out licenses, &c., Sch. II., rule 11.  
 to prove liability when service of notice not proved, Sch. II., rule 12.  
 may require owners and occupiers of land or buildings to register their names in Assessor's office, Sch. IV., rule 1.

- CHAIRMAN:** to prepare list of persons entitled to be enrolled in municipal election-roll as voters of wards, Sch. IV., rule 3 (1).  
 may sub-divide such list, Sch. IV., rule 3 (3).  
 what to enter in list, Sch. IV., rule 3 (4).  
 may enter names of individual members of any company, &c., separately in list, Sch. IV., rule 3 (5).  
 to publish such list, Sch. IV., rule 4.  
 to prescribe fee for printed copy of list, Sch. IV., rule 5.  
 to give notice of publication and sale of list, Sch. IV., rule 6.  
 to hear in open office objections, &c., to list, Sch. IV., rule 9 (2).  
 what to insert in list, Sch. IV., rule 9 (4).  
 to expunge from list names of dead persons, Sch. IV., rule 9 (5).  
 to retain in list names of persons not objected to, Sch. IV., rule 9 (6).  
 may also retain in list names of persons objected to, Sch. IV., rule 9 (7).  
 may require proof of qualification of person objected to, Sch. IV., rule 9 (8).  
 to determine what individual person should be entitled to represent association, Sch. IV., rule 9 (9).  
 may adjourn hearing of any matter under rules, Sch. IV., rule 10.  
 to sign printed copy of list, Sch. IV., rule 11.  
 to publish municipal election-roll, Sch. IV., rule 12.  
 to give notice of election, Sch. V., rule 1.  
 may authorize owner of building to erect service-privy, Sch. XVI., rule 2 (1).  
 may require owner of building to convert service-privy into connected privy, Sch. XVI., rule 2 (2).  
 to sign approved site-plans, Sch. XVII., rule 35.  
 may require further information or a proper site-plan, Sch. XVII., rule 48.

*See* **ACTING CHAIRMAN; GOVERNMENT SERVANT.**

- CHIEF JUDGE OF SMALL CAUSE COURT:** to determine questions to disqualification of Commissioners, s 41.  
 owner of building or land may apply to, when occupier prevents his complying with Act, &c., s. 622 (1)

**CHIEF JUDGE OF SMALL CAUSE COURT :** how to proceed in such cases, 622 (2).

power of, to delegate certain of his powers, and to make rules, s. 627.

**CLOTHES :** public places may be set apart for drying of, s. 459.  
not to be washed at other than appointed places, s. 476.

**CLOTHING :** disinfection of infected, s. 520 (1).

washing of, exposed to infection, s. 520 (2).

disinfection or destruction of, likely to retain infection, s. 520 (3).

**COACH-HOUSE :** power of Chairman to enter and inspect, s. 196 (1).

**COLLECTOR :** to be appointed by Corporation, who will also fix his salary, s. 63 (1).

to cease to hold office if he is seriously indebted, s. 67 (2).

must reside in Calcutta, s. 72.

**COMMISSIONER(S) :** how to be appointed or elected, s. 8.

to elect four members for the General Committee, s. 9 (2) (b).

qualification for election as a, s. 38.

disqualifications for being a, s. 39.

becoming disqualified or absenting himself, to cease to hold office, s. 40.

may apply to Chief Judge of Court of Small Causes to determine questions as to disqualification, s. 41.

general elections of, to be fixed by Local Government, s. 53 (1).

appointment of, when may be made by Local Government, s. 59 (1).

term of office of, s. 60 (1) and (2).

eligible for re-election or re-appointment, s. 60 (3).

may be removed from office for misconduct, &c., s. 61.

to be furnished with list of business at meetings, s. 78 (2).

to choose one of their number to preside at meetings in absence of Chairman, s. 81 (2).

to attach his signature to every contract on behalf of the Corporation, s. 87 (3).

**COMMISSIONER (s)** : signature of, to be distinct from signature of any other witness, s. 87 (4).

General Committee's resolution delegating their powers or duties to Sub-Committees to be communicated to, s. 95 (3).

minutes of the names of, present at meetings to be entered in a book, s. 97 (1).

to be furnished with printed copy of the budget estimate, s. 122.

Auditor's report to be sent to, s. 145.

deemed to be a public servant, s. 646.

**COMMISSIONER OF POLICE** : bound to co-operate with Chairman for carrying provisions of Act into effect, s. 643 (1).

**COMMISSIONERS FOR THE PORT OF CALCUTTA** : two Commissioners to be appointed by, s. 8 (2) (c).

appointments of Commissioners by, how to be made, s. 58 (1).

**COMMON PRIVIES** may be allowed by General Committee, s. 311 (b).

**COMMON SEAL** : of Corporation, to remain in custody of Secretary, and not to be affixed to any contract except in presence of a Commissioner, s. 87 (3).

**COMPANY(IES)** : liability and class of, how to be determined, s. 200.  
list of, to be furnished to Chairman, s. 201.

**COMPASSIONATE ALLOWANCE** : may be granted to Vice-Chairman's family on his death, s. 30.

**COMPENSATION** : not to be paid for removal of wall, &c., forming part of public street, s. 342 (2).

to be paid for damages sustained when work executed by municipal authority in public street, s. 347 (2).

to be made for damages caused by the setting back of projected buildings or walls, s. 352 (2).

to be paid for disposing of site of a permanently-closed public street, s. 355 (1).

how to be determined, s. 355 (2).

to be paid after refusal to permit building when site falls within street alignment of projected public street, s. 392.

- COMPENSATION** : to be paid when huts are required to be erected in conformity with standard plan, s. 404.  
     for adjustment of plots by standard plan, s. 415 (1).  
 when to be paid, s. 415 (3).  
 to be paid for alteration in situation of gas-pipe, &c., s. 426 (2).  
     for buildings ordered to be demolished, s. 446 (2).  
     for damages caused by the laying open and examination of pipes, &c., s. 472 (4).  
     for loss sustained by the removal of drugs, s. 506.  
     for destruction of huts and sheds to prevent spread of dangerous disease, s. 518 (2).  
         of clothing or bedding likely to retain infection, s. 520 (4).  
     for damages sustained by entry upon lands adjacent to works, s. 596 (3).  
 general power of Chairman to pay, s. 614.  
 to be paid by offenders for damages caused by them, s. 615.  
 if not paid on demand, how to be recovered, s. 618.  
 power to sue for recovery of, s. 619.  
*See DAMAGES.*
- COMPOUNDERS** : power to make rules as to, s. 498.
- CONNECTED PRIVY** : defined, s. 3 (10).  
     platform of, Sch. XVI., rule 8.  
     must be provided with cistern and water-trap, Sch. XVI., rules 12 and 13.  
     prohibition of containers and D traps in, Sch. XVI., rule 14.  
     must be provided with soil-pipe, Sch. XVI., rule 15.
- CONSOLIDATED RATE** : division between the four funds of collections made on account of, s. 108.  
     rates upon buildings and lands to be levied as one, s. 149.  
     exemptions from, s. 150.

**CONSOLIDATED RATE:** payment of, when to be made, s. 171.  
 recovery of owner's share of, from tenant in certain cases, s. 172.  
 refund of owner's share of, for period of vacancy, s. 173  
     of occupier's share of, for period of vacancy, or of occupation by new occupier, s. 174.  
 application for refund of, when to be made, s. 176.  
 occupier's share of, when to be paid, s. 177.  
 may be entirely recovered from owner in certain cases, s. 180.  
 not payable on certain huts on bustee land, s. 181.  
 half of, may be recovered from owner of hut, &c., s. 182.  
 bustees may be excepted from, s. 184.  
 how to be paid when objection to valuation has been made, s. 187.  
 special procedure for recovery of, s. 212.  
 may be recovered from occupier or his sub-tenants by distress and sale, s. 222 (2).  
 arrears of, when to be recovered, s. 222 (3).  
 liability of purchaser of building or land for vendor's share of, s. 223.  
 power to sue for recovery of arrears of, s. 227.  
 to be a first charge on premises, s. 228.  
*See* **BILLS.**

**CONTINUING OFFENCE.** *See* **OFFENCE.**

**CONTRACT(S):** Corporation may enter into and perform, s. 86 (1).  
 to be made by Chairman on behalf of Corporation, s. 86 (2) (a).  
     subject to approval or sanction of some municipal authority, s. 86 (2) (b).  
 exceeding Rs. 1,000 not to be made without approval of General Committee, s. 86 (2) (c).  
 exceeding Rs. 10,000 not to be made without approval of Corporation, s. 86 (2) (d).  
 exceeding Rs. 1,00,000 not to be made without approval of Corporation and Local Government, s. 86 (2) (e).  
 further provisions as to execution of, s. 87.

- CONTRACT(s):** otherwise executed, not binding on Corporation  
s. 87 (5).  
security for performance of, s. 89.
- CONTRACTOR:** penalty for obstructing, s. 585.  
for collection of municipal rate, &c., deemed to be  
a public servant, s. 646.  
*See* MUNICIPAL CONTRACTOR.
- CONVEYANCES:** disinfection of infected, s. 520 (1)  
exposed to infection, washing of, s. 520 (2).  
to be provided for free carriage of patients suffering  
from dangerous disease, s. 524.  
*See* PUBLIC CONVEYANCE.
- CORPORATION:** constitution and incorporation of, s. 6.  
all property, moveable and immoveable, to vest  
in, s. 7.  
municipal government of Calcutta to vest in,  
s. 13 (3).  
special functions of, s. 14.  
to examine and review the annual administration  
report and statement of accounts, s. 17 (3).  
may appoint Vice-Chairman, s. 25 (1).  
to fix salary of Vice-Chairman, s. 25 (2).  
prohibition of Chairman, &c., having share or interest  
in contract or employment with, s. 27.  
may contribute towards pension or leave allowances  
of Government servant appointed as  
Chairman, Vice-Chairman, or Deputy Chairman,  
s. 29.  
may grant pension or gratuity to Vice-Chairman  
on his retirement, or grant a compassionate allowance  
to his family on his death, s. 30.  
leave of absence to Chairman, Vice-Chairman,  
or Deputy-Chairman, s. 35 (1).  
may appoint acting Vice-Chairman and fix his  
salary, s. 35 (5).  
principal officers and fix their salaries, s. 63.  
may make rules prescribing qualifications of candidates  
for employment in Health Department, &c.,  
s. 68 (1).  
may contribute towards pension or leave allowances  
of Government servants appointed as  
municipal officers or servants, s. 69.

**CORPORATION :** power of, to make rules as to furnishing securities, &c., s. 73.  
may grant pensions and gratuities in accordance with certain rules, s. 76.  
to meet once a month for transaction of business, s. 77 (1).  
may resolve that any question be decided by ballot, s. 84, prov.  
power of, to make rules for conduct of business, s. 85.  
may enter into and perform all contracts, s. 86 (1).  
to submit to Local Government specifications, &c., when tenders exceed one lakh of rupees, s. 88 (3).  
may appoint Special Committees, s. 96 (1).  
may delegate their duties to Special Committee, s. 96 (2).  
may make rules for regulating the conduct of business at meetings of Special Committee, s. 96 (5).  
power of, to call for extracts from proceedings, &c., of General Committee or any Sub-Committee, s. 101.  
to hold in trust the Municipal Funds, s. 103 (2).  
power of, to make grant-in-aid from General Fund to other funds, s. 109.  
to consider budget estimate as framed by General Committee, s. 123.  
to determine rates at which municipal rates and other taxes should be levied, s. 124.  
may refer budget estimate back to General Committee, or may adopt the same, s. 125.  
may either diminish the year's sanctioned expenditure, or have recourse to supplementary taxation, s. 127 (2).  
power of, to borrow money for construction of permanent works, s. 128.  
for payment of debts, s. 129.  
to determine what sums of money should be borrowed in the next financial year, s. 130.  
borrowing powers of, limited, s. 131.  
to maintain two Sinking Funds, s. 133 (1).  
to pay quarterly certain sums into Sinking Funds, s. 133 (2).  
may order investment of Sinking Funds, s. 135.

**CORPORATION :** annual statement of trustees of Sinking Funds to be laid before, s. 137 (2).

power of, to consolidate their loans, s. 138 (1).

may prescribe form of scrip of loan, s. 138 (2).

to repay loan by annual payments, s. 138 (3).

loans before making other payments, s.

140

may exempt building or land used for purposes of public charity from consolidated rate, s. 150 (1).

owner of hut from consolidated rate s. 150 (2).

from consolidated rate buildings and lands, the annual valuation of which does not exceed Rs. 20, s. 150 (3).

may prohibit the introduction of petroleum into Calcutta, s. 206.

petroleum confiscated to be the property of, s. 207.

surplus of sale-proceeds of moveable property, if not claimed within three years, to be the property of, s. 221 (6).

may order irrecoverable dues to be struck off the books, s. 235.

public water-works, &c., to vest in, s. 236.

to provide supply of filtered and unfiltered water, s. 237.

public stand-posts and bathing platforms, ss. 238, 239.

to convert intermittent system of supplying filtered water into continuous system, s. 241.

may direct unfiltered water to be used for other purposes, s. 246 (1).

to supply filtered water gratis to ships, s. 255 (1).

to determine price to be paid for filtered water supplied to ships, s. 255 (2).

may fix and approve of character and materials of ferrules, s. 260 (2).

to direct rates of cost for inspection of works connected with service-mains, s. 264 (2).

may supply filtered water to adjacent municipalities and cantonments, s. 278 (1).

general powers of, with respect to water-mains, s. 281.

public drains, &c., to vest in, s. 286.

drains, &c., constructed, &c., at charge of Municipal Funds on private premises to vest in, s. 287.

to keep all municipal drains in repair, s. 288.

- CORPORATION :** to provide sufficient outfall for discharge of storm-water and sewage, s. 289 (1).  
 to sanction terms and conditions on which drain beyond Calcutta may be communicated with municipal drain, s. 293 (1).  
 to authorize fees for licenses for public privies and urinals, s. 310.  
 public streets and squares to vest in, s. 336.  
 to make compensation for damages sustained by removal of fixtures attached to buildings, s. 341 (3).  
 to determine names of public streets, s. 348 (1).  
 to make compensation for damages sustained for setting-back projected buildings or walls, s. 352 (2).  
 land added to a street to vest in, s. 352 (3).  
 power of, to dispose of site of permanently-closed public street, s. 355.  
     to take over private streets, s. 362.  
     with respect to future buildings, s. 367.  
 to prepare declaration relating to streets and localities where future buildings are to be erected, s. 367 (3).  
 to pay compensation after refusal to permit building when site falls within street alignment of projected public street, s. 392.  
 may acquire land and buildings for improvements, s. 394.  
 to submit scheme for improvements to Local Government, s. 395 (5).  
 may sell, &c., land and buildings for carrying out improvements, s. 397 (1).  
 to take security before selling, &c., such land or building, s. 397 (3).  
 standard plan prepared by General Committee to be laid before, s. 401 (3).  
 to fix rate at which owner of bustee may be charged for standard plan, s. 401 (4).  
 power of, to purchase or acquire land other than bustee land for improvement, &c., of unhealthy bustee, s. 411.  
 to submit standard plan to Local Government, s. 413 (3).  
 when to pay compensation for adjustment of plots, s. 415 (2).  
 may impose rates for cleansing of bustees, s. 420.

- CORPORATION :** rubbish, &c., to be the property of, s. 433.  
 to maintain establishment for removal of sewage from privies and urinals, s. 435.  
 to make compensation for demolished buildings, s. 446 (2).  
 may prohibit the making of excavations, &c. s. 448 (1).  
 power of, to prevent milch-cattle to be kept in particular areas, s. 455.  
 to fix amount of fee for removal of carcasses of, animals, s. 458 (2).  
 scale of fees for licenses for certain trades, s. 467.  
 may prevent use of premises in particular areas for purposes of trade, s. 469.  
 bound to purchase land and building when use of premises ordered to be discontinued, s. 470 (2).  
 may construct and maintain public wash-houses, s. 474.  
 to determine whether new private markets should be established, s. 480.  
 food and drugs ordered to be destroyed deemed to be the property of, s. 508.  
 to forward to Local Government Chairman's opinion that places for disposal of the dead are injurious to health, s. 542 (1).  
 to forward to Local Government Chairman's opinion that such places are no longer injurious to health, s. 543 (1).  
 powers of, as to construction, &c., of railways, s. 554.  
 further powers of, for acquiring and disposing of land or buildings, s. 556.  
 land or buildings acquired under the Land Acquisition Act (I. of 1894), to vest in, s. 558.  
 may require General Committee to make certain bye-laws, s. 563.  
 may modify bye-laws before sanctioning them, s. 566.  
 proof of consent of, s. 589.  
 sale-proceeds of materials of demolished buildings to be the property of, s. 601 (3).  
 to give notice to agent or trustee when right to relief has been established, s. 613 (3).
- CORPSE :** (unclaimed) how to be disposed of, s. 534.  
 not to be buried or burnt without certificate, s. 536.

**COST(s):** of cleansing or disinfecting building how to be met, s. 517 (2).  
 of enquiry or proceeding by Small Cause Courts how to be met, s. 623 (3).

**COURT OF SMALL CAUSES:** appeals against valuation-list to lie to, s. 162.  
 decision of, to be final, s. 163 (3).  
 to settle differences arising out of works provided and made by Chairman in executing drainage works, s. 324 (1).  
 decision of, to be final, s. 324 (2).  
 may order sale-proceeds of pulled-down huts to be given to owner, s. 410 (2).  
 general powers and procedure of, s. 623.

## D.

**DAMAGE:** caused by construction of new drains, &c., compensation to be paid for, s. 290 (3).

**DANGEROUS BUILDING:** repair, protection, or enclosure of, near streets, s. 343.

**DANGEROUS DISEASE:** defined, s. 3 (12).  
 existence of, to be notified to Health Officer, s. 513 (1).  
 Chairman to take measures to prevent spread of, s. 514.  
 prohibition of use of water likely to cause, s. 515.  
 persons suffering from, to be removed to hospital, s. 516 (1).  
 female patient suffering from, how to be removed to hospital, s. 516 (5).  
 procedure if persons suffering from, enter public conveyance, s. 523.  
 conveyance to be provided for free carriage of patients suffering from, s. 524.  
 power to take special measures on outbreak of, s. 525.

**DANGEROUS TANK:** repair, protection, or enclosure of, near street, s. 343.

**DANGEROUS WELL:** repair, protection, or enclosure of, near street, s. 343.

**DEAD:** registration of places for disposal of the, s. 539.

**DEAD** : provision and registration of new places for disposal of the, s. 540.

places for disposal of the, not to be opened or re-opened without permission, s. 541.

may be closed by Local Government, s. 542 (1).

**DEATH(s)** : information of, by whom to be given, s. 532.

cause of, to be notified to Health Officer, s. 533.

form of registration of, Sch. XX.

**DEBENTURE(s)** : loans may be raised by way of, s. 24 (3).

form and effect of, s. 132 and Sch. VI.

*See* MUNICIPAL DEBENTURES.

**DEBT** : loan may be raised for payment of, s. 129.

**DEFAULTER** : election by, to appear before Magistrate or Chairman, s. 230.

how to be dealt with in such case, s. 231.

moveable property of, may be distrained and sold s. 233.

**DEFINITIONS**— s. 3.

**DEMAND** : form of notice of, Sch. X.

**DEPÔT** : defined, s. 3 (13).

**DEPUTY CHAIRMAN** : appointment of, s. 26 (1).

salary of, s. 26 (2).

to cease to hold office if he has any share or interest in contract or employment with Corporation, s. 27 (2).

if he is seriously indebted to any person, s. 28 (2).

to devote his whole time to the duties of his office, s. 31.

may be a civil or military officer, s. 31, prov. (a).

may hold the office of Commissioner under the Calcutta Port Act (Ben. Act III. of 1890), s. 31, prov. (b) (i).

may be a member of the Bengal Legislative Council, s. 31, prov. (b) (ii).

may hold the office of Chairman to any public institution, s. 31, prov. (b) (iii).

must reside in Calcutta, s. 32.

must attend daily at the municipal office, s. 33.

**DEPUTY CHAIRMAN**: to be subordinate to Chairman, and subject to his general direction and control, s. 34 (1).

*See* **ACTING DEPUTY CHAIRMAN**; **GOVERNMENT SERVANT**.

**DISQUALIFICATION**. *See* **COMMISSIONER**.

**DISTRESSES**: under Act, to be reasonable, s. 220.

**DISTRESS-WARRANT**: form of, Sch. XI.

**DOMESTIC BUILDING(s)**: defined, s. 3 (14).

size and ventilation of inhabited rooms in, Sch. XVII., rule 20.

open space in rear of, Sch. XVII., rule 22.

relaxation of rule 22 in case of irregular site of, Sch. XVII., rule 23.

open space at sides of, Sch. XVII., rule 24.

interior court-yards and outward open spaces of, to be raised and kept open, Sch. XVII., rule 25.

prohibition of rooms over privy in, Sch. XVII., rule 26.

**DOMESTIC PURPOSES**: defined, s. 3 (15).

filtered water to be used only for, s. 245.

sale of water for other than, s. 254.

**DOUBLE VOTES**: may be given where voter lives in his own house or hut, s. 48.

**DRAIN (s)**: defined, s. 3 (16).

constructed, &c., at charge of Municipal Funds on private premises to vest in Corporation, s. 287.

not to be constructed beneath building without permission, s. 303.

how to be constructed, s. 308.

shafts or pipes may be erected or affixed for ventilation of, s. 321.

provision of, in executing works, s. 324.

rules as to, Sch. XV.

passing beneath building, how to be laid, &c., Sch. XV., rule 13.

*See* **UNDER-GROUND DRAIN**.

**DRAINAGE WORKS**: Corporation to devote not less than two lakhs annually to completion and extension of, s. 14 (1) (a).

**DRAINAGE WORKS :** appliances and fittings connected with, which have been constructed, &c., at charge of Municipal Funds, to vest in Corporation, s. 287.

**DRINKING FOUNTAINS :** misuse of, prohibited, s. 268 (2).

**DRIVER(S) :** of carts, not to fail to affix registration number, s. 210 (2).

of public conveyance, not bound to carry persons suffering from dangerous disease unless expenses of disinfecting conveyance is first paid to him, s. 522 (2).

not to act in contravention of provisions, s. 522 (5).

to take conveyance for disinfection immediately after carriage of patient, s. 523.

**DRUG(S) :** defined, s. 3 (17).

registration of shops and places for retail sale of, s. 497.

prohibitions in respect of compounding of, s. 499.

(seized) to be restored to owner if not taken before a Magistrate, s. 506.

directed to be destroyed deemed to be the property of Corporation, s. 508.

**DUES.** *See* IRRECOVERABLE DUES.

**DUST-BINS.** *See* PUBLIC DUST-BINS.

**DWELLING-HOUSE(S) :** defined, s. 3 (18).

abatement of overcrowding in, s. 445.

proportion of site for, Sch. XVII., rule 17.

(detached) area of site for, Sch. XVII., rule 18.

every room of, to be open to outer air, Sch. XVII., rule 19.

interior court-yard of, Sch. XVII., rule 21.

in bustees. further provisions as to, Sch. XVII., rule 27.

## E.

**EDUCATION.** *See* PRIMARY EDUCATION.

**ELECTION(S) :** date of, s. 53.

to fill casual vacancies to be fixed by Chairman, s. 53 (4)

disputes regarding, how to be settled, s. 56.

**ELECTION(s)** : notice of, Sch. V., rule 1.  
 publication of list of candidates for, Sch. V., rule 4.  
*See* GENERAL ELECTION.

**ELECTION-ROLL.** *See* MUNICIPAL ELECTION-ROLL.

**ELECTORS** : to elect one Commissioner for each ward, s. 43 (3).

**ELECTRIC WIRES.** *See* LAMPS.

**ENACTMENTS** : repeal of, s. 2.

**ENGINEER** : to be appointed by Corporation, who will also fix his salary, s. 63.  
 appointment of, subject to approval of Local Government, s. 63, prov. (i).  
 salary assigned to, subject to like approval, s. 63, prov. (ii).  
 to cease to hold office if he is seriously indebted, s. 67 (2).  
 punishment of, subject to approval of Local Government, s. 70, prov.  
 to devote all his time to his duties, s. 71.  
 must reside in Calcutta, s. 72.  
 to cause all works, &c., to be inspected before permitting connection with mains, s. 264 (1).  
 to inspect unhealthy bustees, s. 406 (1).  
 report and duties of, s. 406 (2).  
*See* ACTING ENGINEER.

**ENUMERATION DISTRICTS** : formation of, s. 549.

**ENUMERATORS** : appointment and duties of, s. 550.  
 military and naval officers, &c., may be required to act as, s. 551.

**EXCAVATION(s)** : making of, may be prohibited, s. 448 (1).  
 made in contravention of order may be filled up, s. 448 (4).

**EXPENSE(s)** : for removal of railways, streets, &c., constructed over municipal drains without permission, how to be met, s. 292 (2).  
 of closing connections with municipal drains how to be met, s. 296 (2).  
 of draining group or block of buildings by a combined operation how to be met, s. 298 (1).  
 of closing house-drain, &c., to be paid out of Municipal Funds, s. 301 (2).  
 of inspection and examination of house-drains, &c., by whom to be paid, s. 319.  
 of work done by Chairman when drains affect municipal drains, &c., how to be met, s. 323.

- EXPENSE(s)** : of altering house-drain, &c., how to be met, s. 328 (3).  
 of removal of fixtures attached to buildings how to be met, s. 341 (2).  
 for alteration or demolition of new private streets how to be met, s. 360 (2).  
 of levelling, &c, private streets, how to be met, s. 361 (2).  
 for carrying out improvements in unhealthy bustees, how to be met, s. 409 (2).  
 of repairing damaged lamps by whom to be paid, s. 424.  
 of altering gas-pipes how to be met, s. 425 (6).  
 of removing railway, &c., constructed over municipal gas-pipe how to be met, s. 427 (2).  
 for filling up unwholesome wells, &c., how to be recovered, s. 447 (2).  
 for filling up excavations how to be met, s. 448 (5).  
 of altering, paving, &c., stables, &c., to be borne by owner, s. 456 (1).  
 of laying open and examining pipes, &c., by whom to be paid, s. 472 (3).  
 of destroying unwholesome articles of food how to be met, s. 504 (2).  
 of taking census to be paid out of Municipal Funds, s. 548.  
 of demolishing buildings, &c., how to be recovered, s. 601.  
 of works executed by municipal authority, &c., to be paid on demand, s. 602 (1).  
 if not paid on demand, how to be recovered, s. 602 (2).  
 apportionment of, between owners or occupiers, s. 603.  
 recovery of, from occupier when payable by owner, s. 604.  
 payment of, may be accepted by instalments, s. 605.  
 (certain) may be declared to be improvement expenses, s. 606  
 (improvement) how recoverable and by whom payable, s. 607.  
     part of, may be deducted from rent of premises, s. 608.  
     power to redeem charge for, s. 609.  
 instalments of, how to be recovered, s. 610.  
 recovery of, by occupier when work executed by him in default of owner, s. 611.

**EXPENSE(S)**: recovery of, from owner when work executed by or in default of occupier, s. 612.  
 - if not paid on demand, how to be recovered, s. 618.  
 power to sue for recovery of, s. 619.

**EXTENT OF ACT**, s. 1 (2).

**EXTERNAL ROOF OR WALL**. *See* BUILDING.

## F.

**FACTORY(IES)**: (new) not to be established without permission, s. 463.  
 sanitary regulation of, and prevention of danger from machinery, s. 464.

**FEE(S)**: for municipal administration report, Chairman to determine, s. 17 (4).  
 payable to members of General Committee and Sub-Committees, s. 100.  
 not to be charged for inspection of valuation-list, s. 157 (5).  
 for professions, trades, and callings when may be remitted, s. 198.  
 for scavenging tax when may be remitted, s. 203, prov.  
 for registration of carts, s. 209 (1).  
 may be remitted if cart used for a portion only of the half year, s. 209 (2).  
 for re-registration of carts, s. 209 (3).  
 how to be divided, s. 209 (4).  
 for notice of demand for recovery of consolidated rate, s. 214 (2).  
 for warrants for recovery of consolidated rate, s. 215 (3).  
 for notice of demand or warrant of distress may be remitted by Chairman, s. 216.  
 for testing water-meters, s. 274 (1).  
 to be returned if meter is found incorrect, s. 274 (3).  
 for arbitrary differences regarding cost or sufficiency of water-supply, s. 282 (2).  
 for licenses for public privies and urinals, s. 310 (1).  
 how recoverable, s. 310 (2).  
 for removal of carcasses of animals, s. 458 (2).  
 for licenses for certain trades, s. 467.  
 for places used by washermen for washing clothes, s. 475.  
 for licenses for private markets and slaughter-houses, s. 481 (2).  
 for verification and stamping of weights and measures, s. 511.

**FEE(S)** : for disinfection, &c., of infected conveyances, &c., s. 520  
(1) (a).

for printed copy of draft bye-laws, s. 565 (d).\*

for licenses or written permissions, s. 586 (2).

sums due on account of, how to be recovered, s. 620.

in proceedings before Small Cause Courts, s. 624.

half the amount of, to be repaid when application, appeal,  
or reference is settled by agreement, s. 625.

for exercise of professions, trades, or callings, Sch. II.,  
rule 1.

for printed copy of municipal election-roll, Sch. IV.,  
rule 13.

table of, payable on warrants of distress, Sch. XII.

**FEMALE PATIENT.** See DANGEROUS DISEASE.

**FERRULE(S)** : size of, s. 259 (1).

(prescribed) substitution of, for larger ones used  
before commencement of Act, s. 259 (2).

character and material of, s. 260 (2).

may be made by servants and workmen of Corpo-  
ration, s. 260 (4).

See SCALE.

**FILTERED WATER** : Corporation to provide for supply of, s. 237.  
introduction of continuous system of supply-  
ing, s. 241.

pressure of supply of, s. 242.

testing of purity of, s. 243.

to be supplied for domestic purposes only,  
s. 244.

prohibition of improper use of, s. 245.

substitution of unfiltered water for, s. 247.

may be supplied for other than domestic pur-  
poses on payment being made, s. 254 (1).

supply of, to ships lying in port, s. 255 (1).

to be supplied to ships for the voyage, s. 255 (2).  
through a ferrule, s. 259.

prevention of waste of, under the continuous  
system, s. 269 (1).

to be paid for when supplied in excess of  
statutory allowance, s. 271.

dues on account of, how to be recovered,  
s. 272.

may be supplied to adjacent municipalities  
and cantonments, s. 278 (1).

**FILTH RECEPTACLE** : for sewage or offensive matter not to be  
constructed within 50 feet of tank, &c.  
s. 325 (1).

**FILTH RECEPTACLE:** may be removed if so constructed, s. 325 (2).

**FILTHY BUSTEE.** *See* **BUSTEE.**

**FINE(S):** for not taking out certain licenses, s. 578.  
     for unlawfully commencing, &c., building work, s. 579.  
     for disobedience of direction for demolition or alteration  
       of building unlawfully commenced, &c., s. 580.  
     for disobedience of direction in other cases, s. 581.  
     for putting building to other than declared use, s. 582.  
     for using building for offensive trade without previous  
       declaration, s. 583.

**FIXTURES.** *See* **BUILDING.**

**FORM:** of notice of demand, Sch. X.  
     of distress-warrant, Sch. XI.  
     of notice of sale, Sch. XIII.  
     to be affixed on premises when other means of service  
       not available, Sch. XXI.

**FREE LIBRARIES:** Corporation to provide for, s. 14 (2) (*viii*).

## G.

**GARDENS:** Corporation to provide for the laying out and main-  
     tenance of, s. 14 (2) (*iii*).

**GAS-PIPE(S):** not to be laid in drains, &c., s. 425 (1).  
     how to be laid, s. 425 (2).  
     when may be laid above water-pipe, s. 425 (3).  
     length and width of, s. 425 (4).  
     distance between water-pipe and, s. 425 (5).  
     may be altered if made in contravention of provi-  
       sions, s. 425 (6).  
     alteration of situation of, s. 426 (1).  
     alteration in, when not to be made, s. 426 (3).  
     railway, &c., not to be constructed over, without  
       permission, s. 427 (1).

**GAS-WORK(S):** alteration of situation of, s. 426 (1).  
     alteration in, when not to be made, s. 426 (3).

**GENERAL COMMITTEE:** may decide whether land is or is not  
     a "bustee" or "bustee land," s. 4.  
     constitution of, s. 9.  
     term of office of members of, s. 10.  
     vacancies in, how to be filled up, s. 10,  
       prov. (a).  
     to continue to hold office until a new  
       Committee is formed, s. 10, prov. (b).

- GENERAL COMMITTEE:** power of, to authorize Chairman to take action in anticipation of their approval, sanction, &c., s. 16 (1).  
 to examine and review the annual administration report and statement of accounts, s. 17 (3).  
 who to be Secretary of, s. 63 (3).  
 may appoint persons to offices carrying salaries of more than Rs. 300 *per mensem*, and fix their salaries, s. 64.  
 power of, to sanction or modify schedule of officers and servants, s. 65 (2).  
 to invite tenders for contracts exceeding Rs. 1,000, s. 88 (1).  
 to place before Corporation specifications, &c., when tenders exceed Rs. 10,000, s. 88 (2).  
 where to meet for the despatch of business, s. 90 (1).  
 to choose one of their members to preside at meetings in absence of Chairman, s. 92.  
 power of, to make rules, s. 94.  
 may delegate their powers or duties to Sub-Committees, s. 95 (1).  
 may direct Chairman to be member of Sub-Committee, s. 95 (4).  
 to nominate Commissioners for Sub-Committees, s. 95 (5).  
 may dissolve or alter the constitution of Sub-Committees, s. 95 (8).  
 to appoint a time for submission of report by Sub-Committee, s. 95 (11).  
 minutes of the names of members of, present at meetings, to be entered in a book, s. 97 (2).  
 fee payable to members of, s. 100.  
 to furnish Corporation, if required to do so, with extracts from their proceedings, &c., or of those of Sub-Committees, s. 101 (2).  
 to frame budget estimate, s. 121 (1).  
 what to provide for in budget estimate, s. 121 (2).  
 may increase, &c., budget-grant, s. 126.  
 may prescribe manner and forms in which accounts should be kept, s. 142.

- GENERAL COMMITTEE :** to pay to Local Government cost for auditing municipal accounts, s. 143 (3).  
 to remedy defects pointed out by auditors, and to report same to Corporation, s. 146.  
 may authorize a lower pressure of supply of filtered and unfiltered water, s. 242.  
 Chairman's result of the test of purity of filtered water to be laid before, s. 243.  
 may prescribe rate at which water may be sold for other than domestic purposes, s. 254 (2).  
 to determine proportion of expenses for laying down a separate service-pipe, s. 256 (2).  
 may fix and approve of character, &c., of service-pipes, s. 260 (1).  
 to prescribe terms at which water may be supplied to persons living out of Calcutta, s. 279 (1).  
 differences regarding cost or sufficiency of water-supply to be referred to, s. 282.  
 may prescribe surface drains for the drainage of huts, s. 307 (1).  
 to provide and maintain public privies and urinals, s. 309.  
 may grant licenses for public privies and urinals, s. 310.  
 may allow the use of common privies, s. 311 (b).  
 may direct expenses of privy or urinal to be paid out of Municipal Funds in certain cases, s. 316 (2).  
 may require filth receptacle situate within 50 feet of tank, &c., to be removed, s. 325 (2).  
 appeals when to lie to, s. 327 (1).  
 decision of, on appeals, to be final, s. 327 (2).  
 general powers of, in respect of house-drains, cesspools, privies, and urinals, s. 328 (1).  
 may require house-drain, &c., to be altered, paved, &c., s. 328 (1) (b).  
 may prescribe charges to be paid to licensed plumbers, s. 333 (1).

- GENERAL COMMITTEE:** to maintain and repair public streets,  
s. 337.  
to decide what public streets and squares  
should be watered, s. 338 (2).  
verandahs, &c., projecting over streets  
not to be put up without permission  
of, s. 340 (3).  
may give written permission for erection  
of verandahs, &c., projecting over  
streets, s. 340 (4).  
may, on breach of condition, require own-  
er or occupier to comply with con-  
dition, s. 340 (5).  
may require projections over streets to  
be removed, s. 340 (6).  
may order removal of fixtures attached to  
buildings, s. 341 (1).  
bound to provide proper means of access  
when obstructions in public streets have  
been removed, s. 342 (2).  
to give public notice of their intention  
to define general line of buildings, s.  
350 (1).  
to consider all objections and to make  
an order defining the said line, s. 350  
(4).  
may permit additions to be made within the  
line of buildings, s. 351, prov.  
may require projecting buildings or walls  
to be set back, s. 352 (1).  
may set forward buildings or walls to im-  
prove line of public street, s. 353.  
power of, to make, improve, or close streets,  
s. 354.  
may prepare schemes and plans of pro-  
posed public streets, s. 356 (1).  
to lay out public streets in bustees, s.  
356 (3).  
how to dispose of land or building out-  
side proposed street alignment which  
has been acquired, s. 357 (5).  
may require certain conditions to be com-  
plied with, s. 357 (6).  
may either sanction or disallow new private  
street, s. 358 (3).  
may require owners or occupiers to level,  
&c., private streets, s. 361 (1).

- GENERAL COMMITTEE:** on failure of owners or occupiers, may direct Chairman to level, &c., private streets, s. 361 (2).  
may sell site unsuitable for building, s. 364 (1).  
to fix price at which site may be sold, s. 364 (2).  
may form land into suitable building-sites, s. 365 (1).  
may fix price at which building-sites may be sold, s. 365 (2).  
may dispose of building-sites by private sale, s. 365 (3).  
to consider objections regarding future buildings, s. 367 (3).  
may require external roofs or walls of buildings made of inflammable materials to be removed or altered, s. 368 (2).  
may require public buildings to be provided with external doors, s. 369.  
appeal against Chairman's refusal to grant permission for erection or re-erection of masonry building, to lie to, s. 375 (1).  
decision of, on such appeals to be final, s. 375 (2).  
to state grounds if they reject appeal, s. 375 (3).  
reference to, when Chairman delays grant or refusal of approval or permission, s. 376 (1).  
approval of building-site, &c., deemed to have been given in case of, failing to determine whether such approval should be given or not, s. 376 (2).  
to hear and decide appeals against alteration of masonry buildings, s. 383 (4).  
appeal against Chairman's refusal to grant permission for erection or re-erection of hut, to lie to, s. 387 (1).  
decision of, on such appeal, to be final, s. 387 (2).  
to state grounds if they reject appeal, s. 387 (3).  
reference to, when Chairman delays grant or refusal of permission, s. 388 (1).

- GENERAL COMMITTEE :** permission to erect or re-erect hut deemed to have been given in case of, failing to determine whether such permission should be given or not, s. 388 (2).  
 to decide questions relating to alterations of, or additions to, buildings, s. 391 (3).  
 to frame scheme for carrying out improvements, s. 395 (1).  
 to consider all objections to scheme, s. 395 (4).  
 power of, to carry out improvements, s. 396.  
 may define and alter limits of bustees, s. 398.  
 may require standard plan of bustee to be prepared, s. 400 (1).  
 to prepare standard plan in default of owners, s. 401 (1).  
 to fix a day for hearing of objections to standard plan prepared by them, s. 401 (2).  
 to charge for standard plan, s. 401 (4).  
 may require huts to be re-erected in conformity with standard plan, s. 404.  
 may require other improvements to be carried out in conformity with standard plan, s. 405.  
 may cause unhealthy bustee to be inspected by two officers, s. 406 (1).  
 approval by, of standard plan of unhealthy bustee, s. 407.  
 may require improvements proposed in medical officer's report to be carried out, s. 408.  
 power of, to carry out improvements in default of owner, s. 409 (1).  
 how to dispose of materials of huts pulled down under their orders, s. 410 (1).  
 may pass resolution that bustee is in an unhealthy area, &c., s. 413 (1).  
 to make standard plan for improvement of such bustee, s. 413 (2).  
 may acquire or purchase bustee if standard plan approved by Local Government, s. 413 (3).  
 powers of, when acquiring or purchasing bustee s. 413 (4).

- GENERAL COMMITTEE :** bound to proceed under s. 413 (4) within two years, from such acquisition or purchase, s. 413 (5).  
may employ special establishment for cleansing of bustee, s. 420.  
powers of, in other cases to secure cleansing of bustee, s. 421.  
may require untenanted. buildings, &c., to be secured, enclosed, &c., s. 441.  
to declare superficial and cubic space for each occupant of building, s. 445 (2).  
powers of, with respect to overcrowded buildings, s. 446.  
appeal against Chairman's order directing unwholesome wells, &c., to be filled up, to lie to, s. 447 (4).  
may require excavations, &c., made in contravention of order to be filled up, s. 448 (4).  
in default, may cause work to be executed, s. 448 (5).  
may apply to Magistrate to demolish building unlawfully erected, &c., s. 449.  
may apply to Magistrate for alteration or demolition of other works, s. 450.  
power of, to stop progress of building work unlawfully commenced or carried on, s. 451.  
to consider all objections against prevention of keeping milch-cattle in particular areas, s. 455 (3).  
stables, &c., to be under survey and control of, s. 456 (1).  
may require stables, &c., to be paved, &c. s. 456 (2).  
may order discontinuance of use of stables, &c., s. 457.  
appeals under s. 463, 464, or 466 to lie, to, s. 468 (1).  
decision of, on such appeals, to be final, s. 468 (2).  
to consider all objections to prevention of use of premises for carrying on certain trades in particular areas, s. 469 (3).  
may direct use of such premises near dwelling-houses to be discontinued, s. 470.

- GENERAL COMMITTEE :** appeal against Chairman's order directing private market, &c., to be paved and drained to lie to, s. 485 (2).  
 against Chairman's refusal to permit registration of shops for retail sale of drugs to lie to, s. 497 (3).  
 against amount of compensation paid by Chairman for destruction of huts and sheds to lie to, s. 518 (2), prov.  
 powers of, for making bye-laws, s. 559.  
 may provide penalties for breach of bye-laws, s. 561.  
 when to make certain bye-laws, s. 562.  
 appeal against suspension or revocation of license by Chairman to lie to, s. 586 (4).  
 proof of consent of, s. 589.  
 appeal against amount of compensation paid by Chairman for damages caused by entry on lands adjacent to works to lie to, s. 596 (4).  
 reference of objections to execution of work to be made to, s. 600.  
 may direct demolition of buildings in Hastings erected or re-erected without sanction, s. 651.  
 to prepare type-plans for construction of house-drains, Sch. XV., rule 12.  
 may require owner of privy to form passage giving access to privy from street, Sch. XVI., rule 3.
- GENERAL ELECTION(S) :** of Ward Commissioners when to be held, s. 42.  
 of Commissioners to be fixed by Local Government, s. 53 (1).  
 (first) when to be held, s. 53 (3).
- GENERAL FUND :** to be credited and debited with what, s. 104.
- GENERAL OFFICER COMMANDING PRESIDENCY DISTRICT :** control by, over Government land and buildings, s. 649.

**GENERAL PROHIBITIONS:** of certain acts, s. 326.

**GOVERNMENT:** not to vote, s. 52.

**GOVERNMENT BUILDINGS:** control by General Officer commanding Presidency District over, s. 649.

**GOVERNMENT LAND:** control by General Officer commanding Presidency District over, s. 649.

**GOVERNMENT OF INDIA:** sanction of, required to erection or re-erection of masonry buildings in Hastings, s. 650.

**GOVERNMENT SERVANT:** appointed Chairman, Vice-Chairman, or Deputy Chairman, may receive pension or leave allowances, s. 29.  
appointed as municipal officer or servant may receive pension or leave allowances, s. 69.

## H.

**HABITABLE ROOM:** defined, s. 3 (19).

**HACKNEY CARRIAGE:** and animals, payment of tax on, before registration, s. 190.

**HASTINGS:** sanction of Government of India required for erection or re-erection of masonry buildings in, s. 650.  
demolition of buildings erected or re-erected in, without sanction, s. 651.

**HEALTH OFFICER:** to be appointed by Corporation, who will also fix his salary, s. 63 (1).

appointment of, subject to approval of Local Government, s. 63, prov. (i).

salary assigned to, subject to like approval, s. 63, prov. (ii).

to cease to hold office if he is seriously indebted, s. 67 (2).

punishment of, subject to approval of Local Government, s. 70, prov.

to devote his whole time to the duties of his office, s. 71.

must reside in Calcutta, s. 72.

to be informed of existence of dangerous disease, s. 513 (1).

such information how to be communicated to, s. 513 (2).

may certify that person is suffering from dangerous disease, s. 516 (1).

See ACTING HEALTH OFFICER.

**HEDGES** : bordering on street or square, cutting of, s. 339 (1).

**HEIGHT**. See **BUILDING**.

**HIGH COURT** : Chairman may refer certain matters for determination by, s. 616.

**HOSPITALS** : Corporation to provide for construction and maintenance of, s. 14 (2) (v).

**HOUSE-DRAIN(S)** : defined, s. 3 (20).

may be emptied into municipal drain, s. 295.

not to be connected with municipal drain except in conformity with certain provisions, s. 296 (1)

compulsory connection of, with each other, s. 297.

may be closed or its use limited, s. 301.

kept up for benefit of certain premises only, how to be maintained, s. 305 (1).

not belonging to Corporation, subject to inspection and examination, s. 317.

may be opened, &c., for purposes of inspection and examination, s. 318.

for sewage or offensive matter, not to be constructed within 50 feet of tank, &c., s. 325 (1).

to be under survey and control of General Committee, s. 328 (1) (a).

may be required to be altered, paved, &c., s. 328 (1) (b).

underground material and joints of, Sch. XV., rule 1.

size of, Sch. XV., rule 2.

angles of, Sch. XV., rule 3.

how to be laid, Sch. XV., rule 4.

how to be constructed, Sch. XV., rule 5.

traps to be provided for, Sch. XV., rule 6.

ventilation of, Sch. XV., rule 7.

**HOUSE-GULLY(IES)** : defined, s. 3 (21).

not belonging to Corporation, subject to inspection and examination, s. 317.

**HOUSE-METERS** : provision of, s. 270 (1).

**HOWRAH** : notification of intention to extend Act to, s. 640.

**HUMAN DRINK** : articles of, not of the proper nature, substance, or quality not to be manufactured or sold, s. 495.

**HUMAN FOOD** : articles of, not of the proper nature, substance, or quality not to be manufactured or sold, s. 495.

- HUMAN FOOD** : articles of, which are diseased or unwholesome, not to be sold, s. 496.  
 Chairman to provide for inspection of, s. 502.  
 which are diseased, &c., to be seized, s. 503 (2).  
 meat subjected to process of blowing deemed unfit for, s. 503 (3).  
 articles of, seized, may be destroyed, s. 504.  
     to be taken before Magistrate if not destroyed, s. 505.  
 exposed for sale may be sold to Chairman for purposes of analysis, s. 507 (1).  
 directed to be destroyed, &c., deemed to be property of Corporation, s. 508.
- HUT(s)** : defined, s. 3 (22).  
 owner of, may be exempted from consolidated rate, s. 150 (2).  
 separate valuation of, in case of bustee land, s. 153.  
 surface-drains may be prescribed for drainage of, s. 307 (1).  
 in streets not to be erected without permission, s. 367 (1) (c) (iv).  
 application to be made for permission to erect or re-erect, s. 384 (1).  
 application and site-plan of, what to contain, s. 384 (2).  
 erection or re-erection of, not to be commenced without permission, s. 385.  
 such permission when to be given or refused, s. 386.  
 grounds on which such permission may be refused, s. 389.  
 lapse of such permission, if not acted upon within six months, s. 390.  
 not to be erected, &c., within bustee until plan has been prepared, s. 402.  
     unless it occupies a site marked in plan, s. 403.  
 may be required to be re-erected in conformity with standard plan, s. 404.  
 pulled down, disposal of materials of, s. 410.  
 destruction of, to prevent spread of dangerous disease, s. 518.  
 in bustee, to be built in continuous lines, Sch. XVII., rule 37.  
 abutting on prescribed alignment, passage to, Sch. XVII., rule 38.

- HUT(s)**: use of passages to, Sch. XVII., rule 39.  
     in bustee, may be built so as to form an open court-yard,  
     Sch. XVII., rule 40.  
     abutting on street in bustee, space between, Sch. XVII.,  
     rule 41.  
     from metalled and sewered street, distance of, Sch.  
     XVII., rule 42.  
     and masonry building, distance between, Sch. XVII.,  
     rule 43.  
     abutting on street or passage, how to be constructed,  
     Sch. XVII., rule 44.  
     height of, Sch. XVII., rule 45.  
     application for permission to erect or re-erect, must be  
     on printed form, Sch. XVII., rule 47.
- HYDRANTS**: for street-watering, &c., to be provided by Chair-  
     man, s. 240.  
     misuse of, prohibited, s. 268 (2).

## I.

**IMMOVEABLE PROPERTY.** *See* AGENT; TRUSTEE.

- IMPROVEMENT(s)**: land and buildings may be acquired for, s. 394.  
     scheme for carrying out, s. 395 (1).  
         what to embody, s.  
         395 (2).  
         to be published, s.  
         395 (3).  
     power of General Committee to carry out,  
     s. 396.  
     in unhealthy bustees to be indicated in Sche-  
     dule, s. 406 (3).

**IMPROVEMENT EXPENSES.** *See* EXPENSE.

- INDEBTEDNESS**: to disqualify for office of Chairman, Vice-Chair-  
     man, or Deputy Chairman, s. 28 (1).  
     to disqualify for office under s. 63, s. 67 (1).

**INDIGENOUS MEDICINES**: saving as to practitioners of, s. 500.

**INFECTED ARTICLES**: not to be transmitted, &c., without previous  
     disinfection, s. 521.

**INFLAMMABLE MATERIALS**: for roofs or external walls of buildings  
     prohibited, s. 368.

**INHABITED ROOM**: defined, s. 3 (23).

**INTERPRETATION OF TERMS.** *See* DEFINITIONS.

**IRRECOVERABLE DUES**: may be struck off the books, s. 235.

## J.

- JOINT COLLECTOR** : to be appointed by Corporation, who will also fix his salary, s. 63 (1).  
 to cease to hold office if he is seriously indebted, s. 67 (2).  
 must reside in Calcutta, s. 72.
- JUDGE OF THE HIGH COURT** : to hear election petitions, s. 56.

## L.

- LAMP(s)** : to be erected and maintained for lighting public streets, &c., s. 422 (1) (b).  
 to be lighted by means of oil, gas, &c., s. 422 (1) (c).  
 electric wires may be placed for lighting of, s. 422 (2).  
 prohibition of removal, &c., of, &c., s. 423.  
 person breaking, to pay for repair, s. 424.
- LAMP-POST(s)** : to be erected and maintained for lighting of public streets, &c., s. 422 (1) (b).  
 prohibition of removal, &c., of, &c., s. 423.
- LAND(s)** : Corporation to provide for survey of, s. 14 (2) (iv).  
 power to impose rates on, s. 147.  
 used for purposes of public charity, exempt from consolidated rate, s. 150 (1).  
 the annual value of which does not exceed Rs. 20, may be exempted from consolidated rate, s. 150 (3).  
 annual value of, how to be ascertained, s. 151.  
 assessment of annual value of, and duration thereof, s. 152 (1).  
 apportionment of assessment on, s. 152 (2) (g).  
 separate valuation of, in case of bustee land, s. 153.  
 returns of measurements, &c., of, to be furnished to Chairman, s. 156 (1).  
 valuation of, to be entered in a list, and inspection of the same, s. 157 (1).  
 notice of objection to valuation of, may be delivered at municipal office, s. 160.  
 objections to valuation of, to be entered in a register, s. 161 (1).  
 valuation of, when deemed to be final, s. 163.  
 annual value of, to be entered in one or more books, s. 164.  
 period for which revised valuation of, to continue in force, s. 169.  
 liability of purchaser of, for vendor's share of consolidated rate, s. 223.

- LAND(s)** : consolidated rate to be a first charge on, s. 228.  
 may be acquired for improvement of public streets,  
 s. 357 (1).  
 outside proposed street alignment, may be acquired in  
 addition, s. 357 (2).  
 sums due on account of, how to be recovered, s. 357 (3).  
 acquired in addition may be sold, &c., s. 357 (5).  
 not to be used as building-site in contravention of  
 certain provisions, s. 363.  
 may be acquired for general improvements, s. 394.  
 transfer of, to person for carrying out improvements,  
 s. 397 (1).  
 may be acquired or purchased for improvement of un-  
 healthy bustees, s. 411.  
 in bustee, required for disposal of rubbish, &c., to be  
 provided by owners, s. 429 (2).  
 further powers for acquiring and disposing of, s. 556.  
 may be acquired under Land Acquisition Act (I. of 1894),  
 s. 557.  
 so acquired to vest in Corporation, s. 558.  
 Chairman may enter, to inspect, survey, or execute work,  
 s. 595.  
 adjacent to works, for certain other  
 purposes, s. 596.  
*See* GOVERNMENT LAND; UNVALUED LAND.
- LEASE** : of land and buildings for carrying out improvements,  
 what to include, s. 397 (2).
- LEGAL PROCEEDINGS** : under Act, to be instituted, &c., by Chair-  
 man, s. 633.
- LESSEE** : of Corporation's railway, powers of, s. 555.  
 of place of business, to be licensee, Sch. II., rule 8.
- LIBRARIES.** *See* FREE LIBRARIES.
- LICENSE(s)** : for carriages and animals, to be granted on payment  
 of tax, s. 193.  
 list of, to be prepared and  
 kept open for inspec-  
 tions, 197.  
 for professions, trades, and callings, to be taken out  
 annually, s.  
 198.  
 what to specify,  
 s. 199 (1).  
 effect of, s. 199  
 (2).  
 for scavenging purposes, to be taken out half-yearly,  
 s. 203.

**LICENSEE(S) :** of carriages and animals, list of, to be prepared by  
Chairman, s. 197  
(1).  
to be entered in a  
book, and to be  
kept open for  
inspection, s.  
197 (2).

**LICENSER(S) :** of professions, trades, and callings, annual list of, s. 202 (1).

list of, to be kept  
at municipal  
office, and to  
be open for  
inspection, s.  
202 (2).

of scavenging matters, half-yearly list of, to be prepared by  
Chairman, s.  
205 (1).

what to  
contain,  
and to be  
kept  
open for  
public  
inspection, s.  
205 (2).

not to allow public privy or urinal to be kept in  
filthy or noxious state, s. 310 (3).

of certain trades, to keep boards affixed on conspicuous  
part of premises showing his name, &c., s. 466  
(2).

**LICENSE OFFICER :** to be appointed by Corporation, who will also  
fix his salary, s. 63 (1).

to cease to hold office if he is seriously in-  
debted, s. 67 (2).

must reside in Calcutta, s. 72.

**LICENSED PLUMBER.** See **PLUMBER.**

**LIGHTING FUND :** to be credited with what, s. 106 (1).

to be debited with what, s. 106 (2).

**LIST :** of duly returned candidates for the several wards, to be  
published, s. 55.

of business at meetings of Corporation, to be sent to every  
Commissioner, s. 78 (2).

of persons appearing entitled to entry in municipal elec-  
tion-roll, preparation of, Sch. IV., rule 3.

publication of such, Sch. IV., rule 4.

delivery of copies of such, Sch. IV., rule 5.

notice of publication and sale of such, Sch. IV., rule 6.

notice of objections to such, Sch. IV., rule 7.

**LIST**: revision of such, Sch. IV., rule 9.

**Chairman to sign printed copy of such**, Sch. IV., rule 11.

**LIVERY STABLE-KEEPER(S)**: defined, s. 191 (4).

power of Chairman to compound with,  
for payment of tax, s. 194.

may be required to produce their books  
and accounts for inspection of Chair-  
man, &c., s. 195.

**LOAN(S)**: may be raised for construction of permanent works,  
s. 128.

for payment of debt, s. 129.

previous, when to be paid off, s. 139.

to be repaid before other payments are made, s. 140.

See **DEBENTURE LOAN**.

**LOCAL AUTHORITY**: without Calcutta, may cause drain under its  
control to communicate with municipal  
drain, s. 293 (1).

**LOCAL GOVERNMENT**: fifteen Commissioners to be appointed by,  
s. 8 (2) (d).

to make rules regulating the appointment  
of Commissioners, s. 8 (3)

to appoint four members for the General  
Committee, s. 9 (2) (c).

may make rules regulating the election of  
members for the General Committee,  
s. 9 (3).

to appoint Chairman, s. 11 (1).

may remove Chairman from his office,  
s. 11 (2).

to fix salary of Chairman, s. 12 (1).

to be furnished with a complete compila-  
tion of the annual administration report  
and statement of accounts, s. 17 (3).

sanction of, required to projects costing  
over Rs. 1,00,000, s. 20.

may require Chairman to furnish returns,  
&c., s. 21.

power of, to depute officers to make in-  
spection or examination and  
report, s. 22 (1).

to require municipal authority to  
take action, if duties not effi-  
ciently performed, s. 23 (1).

how to proceed if municipal authority fails  
to take action, s. 24 (1).

- LOCAL GOVERNMENT :** may direct debenture loans to be raised for the purpose, s. 24 (3).  
appointment and salary of Vice-Chairman subject to approval of, s. 25 (3).  
may appoint Deputy Chairman, s. 26 (1).  
to fix salary of Deputy Chairman, s. 26 (2).  
may appoint person to act as Chairman or Deputy Chairman, s. 35 (3).  
to fix salary and house-rent allowance of acting Chairman and salary of acting Deputy Chairman, s. 35 (4).  
may alter the boundaries of wards, s. 43 (2).  
to fix days for general election of Commissioners, s. 53 (1).  
when to appoint Commissioners, s. 59 (1).  
may remove Commissioner from office for misconduct, &c., s. 61.  
appointments of Engineer and Health Officer subject to approval of, s. 63, prov. (i).  
salaries assigned to Engineer and Health Officer subject to approval of, s. 63, prov. (ii).  
General Committee's resolution delegating their powers or duties to Sub-Committees, &c., to be reported to, s. 95 (3).  
may make rules declaring what proportion of Ward Commissioners, &c., should be nominated members of Sub-Committees, s. 95 (6).  
to defray cost of execution of works urgently required for the public service, s. 118 (2).  
may attach Municipal Funds for recovery of money borrowed from Government, s. 141.  
to appoint municipal auditors, s. 143.  
may determine proportion in which fees or costs should be divided, s. 209 (4).  
may extend period for introducing the continuous system of supplying filtered water, s. 241, prov.  
may substitute any other scale of ferrules for the prescribed scale, s. 259, prov. (a).  
appeal against refusal by Corporation to supply filtered water to adjacent municipalities and cantonments to lie to, s. 278 (2).

- LOCAL GOVERNMENT:** to consider representation by Corporation when deciding such appeals, s. 278 (3).  
 orders made by, on such appeals, to be final, s. 278 (5).  
 may extend Ch. XX to environs of Calcutta, s. 280.  
 may direct alterations in plan of outfall, &c., for discharge of storm water and sewage s. 289 (2).  
 powers of, when outfall deteriorates by decay of existing river channels, s. 289 (3).  
 may confirm declaration relating to streets and localities where future buildings are to be erected, s. 367 (4).  
     scheme for carrying out improvements, or may modify it, s. 395 (6).  
 may make rules as to compounders, s. 498.  
 to prescribe form of register of births and deaths, s. 526 (1)  
     of register-books of births and deaths, s. 529.  
 may make rules prescribing qualifications, &c., of registrars and sub-registrars, s. 538.  
 power of, to direct closing of place for disposal of the dead, s. 542 (2).  
     re-opening of such place, s. 543 (2).  
 to direct how and when census should be taken, s. 546 (2).  
 may modify bye-laws before sanctioning them s. 566  
 may make rules for the amendment of certain schedules, s. 567.  
 may modify rules before sanctioning them, s. 569 (2)  
 power of, to cancel bye-laws, rules, and regulations, s. 573 (1).  
 may direct time for cancellation of bye-laws, &c. to take effect, s. 573 (3).  
 may prescribe fees to be paid in proceedings before Small Cause Courts, s. 624 (1).

**LOCAL GOVERNMENT:** may determine by what person such fees should be paid, s. 624 (2).  
 may appoint Municipal Magistrates, s. 628 (1).  
 to fix salary of Municipal Magistrates, s. 628 (2).  
 may declare its intention to alter limits of Calcutta, s. 636.  
 to take into consideration all objections to alteration of such limits, s. 637 (1).  
 may exclude or include local area from Calcutta, s. 637 (2).  
 may declare its intention to extend Act to Howrah, s. 640.  
 to consider objections to such extension, s. 641 (1).  
 to extend Act to Howrah after considering objections, s. 641 (2).

**LOCAL LICENSE:** required for each separate place of business, Sch. II., rule 5.  
 when both personal and, may be taken out, Sch. II., rule 7.

**LOCAL NEWSPAPERS:** tenders for contracts to be invited by advertisement in, s. 88 (1).  
 public notice of valuation of buildings and lands to be by advertisement in, s. 157 (2).  
 price and place at which bye-laws, &c., may be had to be notified in, s. 571 (2).  
 notification directing cancellation of bye-laws, &c., to be published in, s. 573 (4).  
 notification requiring owners and occupiers of land or buildings to register their names in Assessor's office to be published in, Sch. IV., rule 1.  
 notice of election to be given by advertisement in, Sch. V., rule 1.  
 list of candidates for election to be published in, Sch. V., rule 4.

## M.

**MAGISTRATE:** may order unregistered cart or animals to be sold if not claimed within ten days, s. 211 (2).  
 in Bengal outside Calcutta, to cause warrant of distress to be executed for moveable property, s. 224.

- MAGISTRATE:** may enforce fines in cases where Ch. XX. has been extended, s. 280 (3).  
 powers of, when pipes, &c., are laid down beyond Calcutta for bringing water into Calcutta, s. 285.  
 when municipal drains are connected with drains, lakes, &c., beyond Calcutta, s. 294.  
 may prohibit the use of buildings unfit for human habitation, s. 444.  
 overcrowding in dwelling-house or place, s. 445.  
 may direct demolition of buildings unlawfully erected, s. 449.  
 alteration or demolition of other works, s. 450.  
 to give directions regarding demolition of building, &c., s. 452.  
 may direct premises causing nuisance not to be used, s. 471.  
 unauthorized private markets to be closed, s. 483.  
 may cancel license if owner, &c., of shop for sale of drugs, employs person in contravention of provisions, s. 499 (3).  
 powers of, in respect to animals, &c., found to be diseased, &c., s. 505.  
 certain sections not to apply to summons issued by, s. 594.  
 to determine amount of compensation in case of disputes, s. 6, 5 (2).  
 to take cognizance of offences under Act, s. 629.  
 power of, to hear case in absence of accused when summoned to appear, s. 630.  
 powers of, upon receipt of complaints concerning nuisances, s. 632 (2).  
*See MUNICIPAL MAGISTRATE.*
- MARK:** indicating level or direction necessary to execution of works, prohibition of removal of, s. 648.
- MARKET:** defined, s. 3 (24).  
 licensing of sale of meat, &c., outside, s. 493.  
*See PRIVATE MARKET.*
- MASONRY BUILDING(s):** defined, s. 3 (25).  
 frontage of, s. 367 (1) (a) (ii).  
 application for permission to erect or re-erect, s. 370.

- MASONRY BUILDING(s)** : permission to erect or re-erect, when to be given, s. 371.  
 erection or re-erection of, not to be commenced without permission, s. 372.  
 approval of site of, when to be given or refused, s. 373.  
 grounds for refusal to permit erection or re-erection of, s. 377.  
 lapse of permission if, not erected or re-erected within one year, s. 379.  
 notice to be given before erection or re-erection of, s. 380  
     after completion of, s. 381.  
 may be inspected by Chairman during its erection or re-erection, s. 382.  
 foundation of, to rest on solid ground, Sch. XVII., rule 7.  
 plinth of, Sch. XVII., rule 8.  
 walls of, how to be constructed, Sch. XVII., rule 9.  
 outer walls of, how to be constructed, Sch. XVII., rule 10.  
 bonding of walls of, Sch. XVII., rule 11.  
 walls of, must have a damp-proof course, Sch. XVII., rule 12.  
 exceeding one storey in height, walls of, how to be put together, &c., Sch. XVII., rule 13.  
 floors of, how to be constructed, Sch. XVII., rule 14.  
 beams and girders in, how to be supported, Sch. XVII., rule 15.  
 terrace roofs of, how to be constructed, Sch. XVII., rule 16.  
 application for approval of site for erection or re-erection of, Sch. XVII., rule 30.  
 such application must be in printed form, Sch. XVII., rule 31.  
 applications for approval of site for, and for permission to erect or re-erect, may be sent together, Sch. XVII., rule 32.  
 plans, elevations, &c., of, to be signed by owner of building, Sch. XVII., rule 33.

- MASONRY BUILDING(S)** : formulation of requirements and objections to, Sch. XVII., rule 34.  
 approved plans of, to be signed by Chairman, Sch. XVII., rule 35.  
 fresh application for meeting objection for refusal of approval of site of, or permission to erect or re-erect, may be made, Sch. XVII., rule 36.  
*See BUSTEE; HASTINGS.*
- MEASURE(S)** : Chairman to provide local standards of, s. 509.  
 verification of, s. 510 (1).  
 time and place for verification of, s. 510 (2).  
 fees for verification and stamping of, s. 511.
- MEAT** : licensing of sellers of, s. 494.
- MEDICAL OFFICER** : to inspect unhealthy bustee, s. 406 (1).  
 report and duties of, s. 406 (2).
- MEDICAL PRACTITIONERS** : to give information of existence of dangerous disease, s. 513.  
 to send to Health Officer notice stating cause of death, s. 533.
- MEDICINE** : Chairman to provide for inspection of articles exposed for sale for, s. 502.  
 power of Chairman to seize articles of, which are unwholesome, &c., s. 503.
- MEETING(S)** : notice of, s. 78 (1).  
 of Corporation, who to be President at, s. 81 (1) & (2).  
 adjournment of, s. 81 (3).  
 business not to be transacted at, when quorum not present, s. 82.  
 of General Committee, business not to be transacted at, when quorum not present, s. 91.  
 who to preside at, in absence of Chairman, s. 92.  
 of Sub-Committee, President of, s. 95 (9) & (10).  
 of Special Committees, power to make rules for regulating conduct of business at, s. 96 (5).  
 of Corporation, minutes of the names of members present, and of proceedings, at, to be entered in a book, s. 97 (1).  
 of General Committee, &c., minutes of the names of members present, and of proceedings, at, to be entered in a book, s. 97 (2).

**MEETING(s)**: of Corporation, minutes of, and full reports of proceedings at, to be open for inspection, s. 98.  
*See* LIST: ORDINARY and SPECIAL MEETINGS.

**MEMBERS**: to give notice before withdrawing from work, s. 438.  
 penalty on, for withdrawing from work without notice, s. 584.

**MILCH-CATTLE**: for supplying milk for sale, not to be kept in particular areas, s. 455 (1) (a).  
 so kept to be removed, s. 455 (1) (b).

**MILITARY OFFICERS.** *See* ENUMERATORS.

**MONEY**: borrowed to discharge previous loan, when to be paid, s. 139.

**MOVEABLE PROPERTY**: distress and sale of, for recovery of consolidated rate, s. 215 (1).  
 may be distrained wherever found, s. 215 (2),  
 inventory of, s. 218.  
 may be taken away to municipal office if forcible removal apprehended, s. 219.  
 amount of, seized, to be proportionate to arrears due, s. 220.  
 to be sold if warrant of distress not suspended by the Chairman or discharged, s. 221 (1).  
 sales of, how to be regulated, s. 221 (2).  
 sale-proceeds of, how to be applied, s. 221 (4).  
 outside Calcutta, may be seized and sold, s. 224.  
 consolidated rate to be a first charge on s. 228.

**MUNICIPAL ACCOUNTS**: to be examined and audited by auditors, s. 143 (1).  
 cost of audit of, how to be met, s. 143 (3)

**MUNICIPAL ADMINISTRATION REPORT**: Chairman to prepare annually, s. 17 (1).  
 to be printed, s. 17 (2).  
 may be had on payment of fee, s. 17 (4).

**MUNICIPAL AUDITORS**: to be appointed by Local Government, s. 143 (1).  
 powers of, s. 143 (2).  
 reports and information to be furnished by, s. 144.

**MUNICIPAL AUDITORS :** report of, to be sent to each Commissioner, and laid before Corporation, s. 145.  
defects in report of, to be remedied by General Committee, s. 146.

**MUNICIPAL AUTHORITY (IES) :** enumeration of, s. 5.  
respective functions of, s. 13 (1).  
doubts regarding functions of, to be referred to Local Government, s. 13 (2).  
not to execute works costing over Rs 1,00,000 without sanction of Local Government, s. 20.  
Local Government may order, to take action if duties inefficiently performed, s. 23 (1).  
may appeal to the Government of India praying for withdrawal of such order, s. 23 (2).  
not to suspend action directed by order unless the Government of India so direct s. 23 (3).  
may accept or reject tenders, s. 88 (4).  
powers of, when pipes are laid, &c., beyond Calcutta for bringing water into Calcutta, s. 285.  
when municipal drains are connected with drains, lakes, &c., beyond Calcutta, s. 294.  
provision of facilities, &c., when work executed by, in public street, s. 347.  
indemnity to, s. 635.

**MUNICIPAL BUILDINGS :** provisions for lighting of, s. 422.

**MUNICIPAL CONSOLIDATION LOAN :** tenders may be invited for s. 138 (1).

**MUNICIPAL CONTRACTORS :** prohibition of obstruction of, s. 647.

**MUNICIPAL DEBENTURES :** holders of, may be invited to exchange their debentures for scrip of Municipal Consolidation Loan, s. 138 (1).

**MUNICIPAL DRAIN(S) :** defined, s. 3 (26).  
Chairman to provide sluices, &c., for flushing of, s. 240.

**MUNICIPAL DRAIN(s)** : to be kept in repair by Corporation, s. 288.  
 may be carried through street, &c., s. 290  
 (1).  
 may be altered by Chairman, s. 290 (2).  
 power of Chairman to improve or discontinue, s. 291.  
 railways, streets, &c., not to be constructed  
 over, without permission, s. 292 (1).  
 drain under control of local authority be-  
 yond Calcutta may be communicated  
 with, s. 293.  
 communication of, with drains, lakes, &c.,  
 beyond Calcutta, s. 294.  
 house-drain may be emptied into, s. 295.  
 connections with, not to be made except in  
 conformity with certain provisions, s.  
 296 (1).  
 connections so made, may be closed, &c.,  
 s. 296 (2).  
 when drains affect, work to be done by  
 Chairman himself, s. 323.  
*See BUILDING.*

**MUNICIPAL ELECTION-ROLL** : preparation and publication of, s.  
 36.  
 conditions precedent to entry in,  
 Sch. IV., rule 2.  
 preparation of list of persons en-  
 titled to entry in, Sch. IV., rule 3.  
 list when signed and revised to be  
 the, Sch. IV., rule. 11.  
 publication of, Sch. IV., rule 12.  
 printed copies of, to be delivered on  
 payment of fee, Sch. IV., rule 13.  
 commencement and continuance of,  
 Sch. IV., rule 14.

**MUNICIPAL FUNDS** : enumeration of, s. 103.  
 may be credited to a separate heading in  
 municipal accounts, s. 110.  
 moneys payable to credit of, how to be dealt  
 with s. 111.  
 drafts on, how to be met, s. 112.  
 beyond Calcutta, separate account of, s. 113.  
 application of, s. 114.  
 payments out of, not to be made unless  
 covered by budget-grant and balance is  
 available, s. 115.

- MUNICIPAL FUNDS :** temporary payments from, for works urgently required for the public service, s. 118.  
 surplus moneys at credit of, how to be invested, s. 119.  
 attachment of, for recovery of money borrowed from Government, s. 141.  
 surplus of sale-proceeds of unregistered cart or animals to be credited to, s. 211 (3).  
 of moveable property seized to be credited to, s. 221 (5).  
 expense of fitting outer stop-cocks when to be paid out of, s. 258 (2).  
 providing and attaching water-meters to be paid out of, s. 270 (3).  
 cost of alterations to outfall for discharge of storm-water and sewage, when to be charged to, s. 289 (3).  
 expenses of providing house-drains to be paid out of, s. 301 (2).  
 with respect to privies or urinals when to be paid out of, s. 316.  
 convenient ways, &c. for drainage-works may be provided out of, s. 324.  
 compensation for removal of projections over streets to be paid out of, s. 340 (6).  
 expenses for carrying out improvements in unhealthy bustees when may be paid out of, s. 409 (2), prov.  
 alteration in situation of gas-pipes, &c., to be made at charge of, s. 426 (2).  
 cost of cleansing or disinfecting buildings or articles when may be paid out of, s. 517 (2), prov.  
 sale-proceeds of materials of demolished buildings when may be credited to, s. 601 (3).  
 salaries of Municipal Magistrates to be paid out of, s. 628 (2).

**MUNICIPAL GOVERNMENT.** See CORPORATION.

**MUNICIPAL MAGISTRATE(s) :** appointment of, s. 628 (1).  
 Local Government to fix salary of, s. 628 (2).

**MUNICIPAL MAGISTRATE(S)** : to have jurisdiction over the whole of Calcutta, s. 628 (3).

**MUNICIPAL MARKET(S)** : defined, s. 3 (27).  
provisions for lighting of, s. 422.  
provision and maintenance of, s. 477.  
may be ordered to be closed, s. 478.  
prohibition of sale in, without license, s. 479.  
levy of charges in, s. 489.  
charges for use of stalls, &c., in, how to be recovered, s. 490.  
regulations and table of charges to be posted up in, s. 491.  
person contravening bye-laws or regulations may be expelled from, s. 492.

**MUNICIPAL OFFICER(S)** : Chairman's powers may be delegated to, s. 18 (1).  
exercise of powers by, subject to control and revision by Chairman, s. 18 (2).  
having share or interest in contract or employment with Corporation to cease to hold office, s. 66 (2).  
punishment of, s. 70.  
receiving salary of more than Rs. 100 may appeal to General Committee if punished, s. 70, prov.  
leave of absence and leave allowances of, s. 74.  
Corporation may grant pensions and gratuities to, s. 76.  
not to purchase property at sales, s. 221 (3).  
connection of premises with mains, &c., to be executed in presence of, s. 260 (3).  
may remove from municipal market person selling goods without license, s. 479 (2).  
duties of, when verifying weights and measures, s. 510 (3).  
to enter minutes of verification of weights and measures in a book, s. 510 (4).  
not to prevent inspection of bye-laws, &c., exhibited on boards, s. 572 (2).

- MUNICIPAL OFFICER(s)** : punishment of, for acquiring share or interest in contract, &c., with Corporation, s. 577.  
proof of consent of, s. 589.  
indemnity to, s. 635.  
deemed to be a public servant, s. 646.  
*See* ACTING MUNICIPAL OFFICER; GOVERNMENT SERVANT.
- MUNICIPAL SERVANT(s)** : having share or interest in contract or employment with Corporation to cease to hold office, s. 66 (2).  
punishment of, s. 70.  
receiving salary of more than Rs. 100 may appeal to General Committee if punished, s. 70, prov.  
leave of absence and leave allowances of, s. 74.  
Corporation may grant pensions and gratuities to, s. 76.  
not to purchase property at sales, s. 221 (3).  
may remove from municipal market person selling goods without license, s. 479 (2).  
not to prevent inspection of bye-laws, &c., exhibited on boards, s. 572 (2).  
punishment of, for acquiring share or interest in contract, &c., with Corporation, s. 577.  
indemnity to, s. 635.  
deemed to be a public servant, s. 646.  
*See* ACTING MUNICIPAL SERVANT; GOVERNMENT SERVANT.
- MUNICIPAL SLAUGHTER-HOUSE(s)** : defined, s. 3 (28).  
provision and maintenance of, s. 477 (1).  
may be situated within or without Calcutta, s. 477 (2).  
may be ordered to be closed, s. 478.  
levy of charges in, s. 489.  
charges for use of stalls, &c., in, how to be recovered s. 490.

**MUNICIPAL SLAUGHTER-HOUSE(S)**: regulations and table of charges to be posted up in, s. 491.  
 person contravening bye-laws or regulations may be expelled from, s. 492.

## N.

**NAVAL OFFICER.** *See* **ENUMERATOR.**

**NEIGHBOURING MUNICIPALITY**: Corporation may provide for payment of contributions to Commissioners of, for sanitary purposes, s. 14 (2) (x).

**NEW AREA**: Corporation to devote not less than three lakhs of rupees annually to permanent and progressive improvement of, s. 14 (1) (b).

**NEW BRIDGES**: power of Corporation to construct, s. 354 (b).

**NEW DRAIN**: may be constructed by Chairman in place of existing drain, s. 290 (2).

**NEW PRIVATE STREET(S)**: making of, s. 358 (1).  
 level and width of, s. 358 (2).  
 reasons for disallowance of, s. 358 (4).  
 not to be made without sanction of General Committee, s. 359.  
 may be altered or demolished if made in contravention of provisions, s. 360.

**NEW STREETS**: power of General Committee to lay out and make, s. 354 (a).

**NEWSPAPERS**: in which advertisements or notices should be published, s. 588.

*See* **LOCAL NEWSPAPERS.**

**NOMINATION**: for election, when to be declared invalid, Sch. V., rule 3.

**NOMINATION-PAPERS**: for election, what to contain, Sch. V., rule 2.

**NOTICE(S)**: to be given before re-valuing bustee, waste, or agricultural land, s. 159.  
 of objection to valuation of building or land, to be delivered at municipal office, s. 160.  
 to be given if assessment book is amended, s. 168.  
 for refund of owner's or occupier's share of consolidated rate, when to be delivered, s. 175.

**NOTICE(s):** to be given before entering female apartment for executing distress-warrant, s. 217, prov.  
 before carrying municipal drain through street, &c., s. 290 (1).  
 before erecting or re-erecting masonry building, s. 380.  
 after completion of work, s. 381.  
 signature on, may be stamped, s. 590.  
 by whom to be served or presented s. 591.  
 service of, how to be effected otherwise than on owner or occupier of premises, s. 592.  
 how to be effected on owner or occupier of premises, s. 593.  
*See PUBLIC and SPECIAL NOTICE.*

**NOTICE OF DEMAND:** to be served if bill not paid within seven days of presentation, s. 214 (1).  
 fee for such, s. 214 (2).  
 may be served for recovery of consolidated rate from occupier or his sub-tenants, s. 222 (1).  
 to be served for recovery of sums due on account of certain taxes, s. 229 (1).  
 certain provisions to apply to such, s. 229 (2).

**NOTIFICATION:** altering the boundaries of wards to be published in Calcutta Gazette, s. 43 (2).  
 appointment of Commissioners by Local Government to be made by, s. 59 (2).  
 extending Ch. XX. to environs of Calcutta, to be published in Calcutta Gazette. s. 280 (1).  
 what to define and when to take effect, s. 280 (2).

**NUISANCE(s):** defined, s. 3 (29).  
 complaints concerning, to be made to Magistrate, s. 632.

## O.

**OCCUPIER(s):** defined, s. 3 (30).  
 of building or land may be required to furnish Chairman with returns of measurements, &c., s. 156 (1).  
 special notice to be given to, when valuation is made for the first time or increased, s. 158.

- OCCUPIER(S):** of building or land may apply to Chairman to have his name entered in assessment-book, s. 165 (1).  
 not entitled to object to notice of demand, &c., if name not entered in assessment-book, s. 165 (3).
- of building recovery from, of portion of consolidated rate paid by owner, s. 179.
- of building or land may be required to furnish name and address of owner, s. 185.  
 failing to furnish such name and address, liable to owner's rate, s. 186.  
 may be required to furnish statement showing name and address of person owning carriages and animals, s. 192.
- of building or place of business, may be required to furnish list of persons carrying on professions, trades or callings, s. 201.
- of building or land, may be served with notice of demand for recovery of consolidated rate, s. 222 (1).
- of building, consolidated rate how to be recovered from, on failure of payment, s. 222 (2).  
 arrears not to be recovered from, if due for more than one year, s. 222 (3).  
 entitled to recover such rate from rent paid by him, s. 222 (4).  
 right of, to receive water in consideration of water-rate, s. 248.
- of masonry building, paying water-rate, may lay down service-pipes, s. 249.  
 may require owner to provide works for supply of water, s. 250 (1).  
 may cause works to be completed on failure of owner, s. 251.
- of premises, to execute works connected with the supply of water on failure of owner, s. 265.
- prohibition of waste of water by, s. 268.

- OCCUPIER(S)** : of premises, may be required to repair defective pipes, &c., when filtered water is being wasted, s. 269 (1).  
 to be served with further notice if waste continues, s. 269 (2).  
 may apply to have water-meter attached to premises, s. 270 (2).  
 to deposit cost or pay rent for water-meter, s. 270 (4).  
 amount of deposit when may be returned to, s. 270 (5).  
 may apply to have meter tested, s. 274 (1).  
 may refer differences respecting cost or sufficiency of water-supply to General Committee, s. 282.  
 may recover from owner cost of cutting off, &c., supply of water, s. 283 (4).  
 right of, to empty his house-drain into municipal drain, s. 295.  
 may be required to provide separate privies and urinals for persons of each sex, in premises used as markets, &c., s. 313.
- of building or land, may recover from owner expenses of structural alterations in privy or urinal, s. 315.  
 not to allow work to be executed by other than a licensed plumber, s. 332 (2).  
 may be required to cut and trim hedges and trees bordering on public street, s. 339 (2).
- of building may be required to remove projections, over streets, s. 340 (6).  
 to remove or alter fixtures attached to buildings, s. 341 (1),  
 entitled to compensation if fixtures erected before a certain day, s. 341 (3).
- of land, may be required to level, &c., private streets, s. 361.
- of huts, may be required to carry out improvements proposed in Medical Officer's report, s. 408.
- of building or land, not to allow filthy matter to flow or soak from premises or create a nuisance, s. 436 (5).



- OFFENSIVE MATTER** : on business-premises, collection and removal of, s. 431.  
 deposited in receptacles, &c., to be the property of Corporation, s. 433.  
 removal of, s. 434.  
 not to accumulate on premises for more than 24 hours, s. 436 (1).  
 irregular deposit of, prohibited, s. 436 (2).  
 removal of, prohibited, s. 436 (3).  
 placing of, prohibited, s. 436 (4).
- OFFICER** : deputed to inspect and examine office, &c., may require Chairman to furnish certain particulars, s. 22 (2).
- OPEN HOUSE-DRAIN.** See **HOUSE-DRAIN.**
- ORDER** : made under Act, time for complying with, s. 597 (1).  
 enforcement of such, on default being made, s. 597 (2).
- ORDINARY MEETING(S)** : of Corporation, when to take place, s. 77 (1).  
 of General Committee to be held once a week, s. 90 (2).  
 (first) of General Committee, when to be held, s. 90 (3).
- OUT-HOUSES** : separate assessment of, s. 155.
- OWNER(S)** : defined, s. 3 (32).  
 of building or land may be required to furnish Chairman with returns of measurements, &c., s. 156 (1).  
 special notice to be given to, when valuation is made for the first time or increased, s. 158.  
 may apply to Chairman to have his name entered in assessment-book, s. 165 (1).  
 not entitled to object to notice of demand, &c., if name not entered in assessment-book, s. 165 (3).  
 of premises, provisional registration as, s. 166 (1).  
 list of provisionally registered, to be published annually, s. 166 (3).  
 of building or land may recover from tenant, in certain cases, part of the owner's share of consolidated rate, s. 172.  
 of building, power to levy entire consolidated rate from, in certain cases, s. 178.

- OWNER(s) :** of building may recover from occupier portion of consolidated rate paid by him, s. 179.  
 of land in bustee, consolidated rate may be recovered from, in certain cases, s. 180.  
     may recover from tenants part of the consolidated rate paid by him, s. 182.  
 of building, &c., powers of, in recovering certain moneys, s. 183.  
 of carriages or animals, to furnish statement of carriages and animals owned by him, &c., s. 191.  
 of cart, not to fail to affix registration number, s. 210 (2).  
 of masonry building may be required to provide works for supply of water, s. 250 (1).  
     failing to execute works, to pay costs incurred by occupier, s. 251.  
     how to recover sums payable to him, s. 252.  
 of premises may be required to lay down a separate service-pipe, s. 256 (2).  
     to affix outer stop-cocks, s. 258 (1).  
     to keep works connected with supply of water in good repair, s. 265 (1).  
     may be required to repair defective pipes, &c., when filtered water is being wasted, s. 269 (1).  
     to be served with further notice if waste continues, s. 269 (2).  
     may apply to have meter tested, s. 274 (1).  
     may refer differences respecting cost or sufficiency of water-supply to General Committee, s. 282.  
 of wells, may be required to fill up wells when water supplied, s. 284.  
 of premises, right of, to empty his house-drain into municipal drain, s. 295.  
     may be required to connect his house-drain with other drains, s. 297.  
 of land may be required to construct new surface-drains, s. 307 (2).  
 of hut bound to pay cost of repair of surface-drains, s. 307 (3).  
 of building, &c., may be required to provide privy or urinal, s. 312.

- OWNER(S) :** of premises may be required to provide separate privies and urinals for persons of each sex in premises used as markets, &c., s. 313.
- of building or land, liability of, for structural alterations in privy or urinal made by occupier, s. 315.
- of premises, when to meet expenses for inspection and examination of house-drains, s. 319  
may be required to repair house-drains, &c., s. 320.
- of building or land not to allow work to be executed by other than a licensed plumber, s. 322 (2).  
may be required to cut and trim hedges and trees bordering on public street, s. 339 (2).
- of building may be required to remove projections over streets, s. 340 (6).  
to remove or alter fixtures attached to buildings, s. 341 (1).  
entitled to compensation if fixtures erected before a certain day, s. 341 (3).  
bound to replace number of building if removed or defaced, s. 349 (3).
- of building or wall entitled to compensation for damages caused by setting back projecting buildings, &c., s. 352 (2).
- of land outside proposed street alignment may retain it by paying an annual sum, s. 357 (2), prov.
- of land may be required to level, &c., private streets, s. 361.
- of adjacent lands entitled above all others to buy sites unsuitable for buildings, s. 364 (2).
- of building may be required to remove or alter roofs or external walls made of inflammable materials, s. 368 (2).
- of masonry buildings bound to make certain alterations, s. 383 (2).
- of huts may be required to carry out improvements proposed in Medical Officer's report, s. 408.
- when deemed to be occupier of land, s. 417.
- of bustee land, when deemed to be occupier of streets, &c., s. 417.  
may give notice that he intends to take land out of the category of bustee land, s. 419 (1).

- OWNER(s)** : of bustee land bound to remove huts standing on such land, s. 419 (3).  
 of bustee to defray cost of establishment for cleaning of bustees, s. 420.  
     may be required to provide land for disposal of rubbish, &c., s. 429 (2).  
 of building or land not to allow filthy matter to flow or soak from premises, or create a nuisance, s. 436 (5).  
 of building may be required to cleanse and limewash building, s. 440.  
 of building or land may be required to secure, enclose, &c., untenanted building, s. 441.  
 of building may be required to take down, &c., ruinous building, s. 442.  
     prohibited to use building unfit for human habitation, s. 444 (2).  
     may be required to abate overcrowding in dwelling-house or place, s. 445 (1).  
 of land may be required to fill up excavations, s. 448 (4).  
 of shop for retail sale of drugs, not to employ person in contravention of provisions, s. 499 (2).  
     entitled to compensation if drugs not taken before Magistrate, s. 506.  
 of public conveyance not bound to carry person suffering from dangerous disease, unless expense for disinfecting conveyance has first been paid, s. 522 (2).  
     not to act in contravention of provisions, s. 522 (5).  
     to take conveyance for disinfection immediately after carriage of patient, s. 523.  
 of premises to pay improvement-expenses when premises unoccupied, s. 607 (2).  
     may redeem charge for improvement expenses, s. 609.  
 of building or land, recovery from, of cost of work executed by or in default of occupier, s. 612.  
 of building or land may apply to Chief Judge of Small Cause Court when occupier prevents his complying with Act, &c., s. 622 (1).

**OWNER(s)** : of premises, who deemed to be, when there are gradations of owners, s. 645.  
 of land or buildings, registration of names of, Sch. IV., rule 1.  
*See HUT.*

## P.

**PARTY-WALL** : defined, s. 3 (33).

**PASSAGES** : maintained for benefit of tenants, dimension of, s. 400 (2).

**PENALTY(IES)** : for accepting bribe at ward elections, s. 57 (3).  
                     under Act, ss. 574, 575.  
                     on mehter, &c., for withdrawing from work without notice, s. 584.  
                     for obstructing contractor or removing mark, s. 585.

**PERMANENT WORKS** : money may be borrowed for construction of, s. 128.

**"PERSON"** : meaning of, in ss. 43 to 50, s. 51.

**PETROLEUM** : storage and taxation of, s. 206.  
                     prohibition of introduction of, s. 206 (1).  
                     not to be introduced in contravention of prohibition, s. 206 (2).  
                     tax on, s. 206 (3).  
                     confiscation of, s. 207.

**PIPE(s)** : belonging to Corporation, not to be damaged, s. 266.  
                     laying of, beyond Calcutta, for bringing water into Calcutta, s. 285.  
                     constructed at charge of Municipal Funds on private premises, to vest in Corporation, s. 287.  
                     not belonging to Corporation, subject to inspection and examination, s. 317.

**PLATFORM** : defined, s. 3 (34).

**PLUMBER(s)** : licensing of, s. 329 (1).  
                     regulations for guidance of, s. 330.  
                     powers and duties of, s. 331.  
                     remuneration of, s. 333.  
                     control over, and their work and charges, s. 334.  
                     not to infringe regulations, &c., s. 335 (1).  
                     infringing regulations, &c., liable to have his license cancelled, s. 335 (2).

**POLICE** : co-operation of, s. 643.

**POLICE-OFFICER** : may remove patient suffering from dangerous disease to hospital, s. 516 (1).

duties of, with regard to unclaimed corpses, s. 534.

duties of, s. 643 (2).

to arrest offenders committing offences under Act, if name and address be unknown, s. 644 (1).

may arrest person obstructing municipal officer or servant in execution of his duties, s. 644 (3).

**POLL** : how to be taken and its result deemed to be the resolution of the Corporation, s. 84.

when unnecessary, Sch. V., rule 5.

when and how to be taken, Sch. V., rule 6.

**POWER(s)** : delegation of Chairman's, to municipal officers, s. 18 (1).

exercise of, subject to control and revision s. 18 (2).

to be subject to sanction of necessary expenditure, s. 19.

of municipal authority may be exercised by person appointed to act, s. 24 (2).

**PREMISES** : separate service-pipes for separate, s. 256 (1).

stop-cocks to be provided for supply of unfiltered water to private, s. 257 (1).

supplied with water, power of Chairman to enter, s. 261.

water-meters may be attached to service-pipes of, s. 270 (1).

Chairman to provide for cleansing of, s. 432.

inspection of, for sanitary purposes, s. 439.

use of, in particular areas, may be prevented, s. 469 (1).

for certain trades near dwelling-houses may be directed to be discontinued, s. 470.

causing nuisance may be directed to be discontinued, s. 471.

inspection of, used for manufactures, &c., s. 473.

certain purposes for which, may not be used without a license, Sch. XVIII.

form of notice to be affixed on, when other means of service not available, Sch. XXI.

*See* UNDRAINED PREMISES.

**PRESIDENT** : may adjourn meeting of Corporation if quorum not present, s. 82, prov.

**PRESIDENT** : declaration by, that a resolution has been carried or lost, s. 83.

*See* MEETING.

**PRESIDING AUTHORITY** : at meetings of General Committee, to have second or casting vote in case of equality of votes, s. 93.

**PRIMARY EDUCATION** : Corporation to provide for promotion of, s. 14 (2) (*vis*).

**PRIVATE MARKET(s)** : (new) opening of, s. 480 (1).  
not to be established without sanction, s. 480 (2).

licensing of, s. 481.

not to be used without license, s. 482.

(unauthorized) to be closed, s. 483.

goods not to be sold in, s. 484.

paving and draining of, s. 485.

power of Chairman to fix limits of, s. 486.

power to require setting out, &c., of approaches, &c., to, s. 487.

to make regulations for, s. 488.

**PRIVATE SLAUGHTER-HOUSE(s)** : licensing of, s. 481.

paving and draining of, s. 485.

power to make regulations for, s. 488.

**PRIVATE STREET(s)** : defined, s. 3 (35).

not to be constructed over municipal drain without permission, s. 292 (1).

levelling, &c., of, s. 361.

may be taken over by Corporation, s. 362.

what to be, s. 416 (1).

to be kept open for scavenging purposes, &c., s. 416 (2).

not to be constructed over municipal gas-pipe without permission, s. 427 (1).

*See* NEW PRIVATE STREET.

**PRIVY(IES)** : defective fittings for flushing of, to be replaced, s. 262.

to be provided for future buildings, s. 311.

rules for construction, &c., of, s. 314.

expenses of re-building or alteration of, how to be met, s. 316 (1).

not belonging to Corporation, subject to inspection and examination, s. 317.

**PRIVY(IES) :** to be under survey and control of General Committee,  
s. 328 (1).

(connected) dimension, &c., of soil-pipe of, Sch. XV.  
rule 8.

ventilation of soil-pipe of detached, from  
building, Sch. XV., rule 9.

regulation of site of, Sch. XVI., rule 1.

models and type-plans of, to be kept open for inspection  
at municipal office, Sch. XVI., rule 4.

floor of, how to be made, Sch. XVI., rule 6.

walls and roof of, Sch. XVI., rule 7.

adjacent to buildings, ventilation of, Sch. XVI., rule  
9.

enforcement of rules in case of future, Sch. XVI.,  
rule 16.

in case of existing, Sch. XVI.,  
rule 17.

*See* SERVICE-PRIVY ; CONNECTED PRIVY ; SEWAGE.

**PROFESSION(s) :** license for, to be taken out annually, s. 198.

class of license for exercise of, and tax to be paid,  
Sch. II., rule 1.

**PROHIBITIONS.** *See* GENERAL PROHIBITIONS.

**PROPERTY.** *See* MOVEABLE PROPERTY.

**PROSECUTIONS :** limitation of time for, s. 631.

**PUBLIC ADVERTISEMENT :** land or building outside proposed  
street alignment may be disposed of  
after, s. 357 (5).

**PUBLIC BATHING PLACES :** may be set apart for use of public,  
s. 459.  
regulation of use of, s. 460 (1).

**PUBLIC BUILDING :** defined, s. 3 (36).  
external doors of, s. 369.

**PUBLIC BURIAL OR BURNING GROUND.** *See* BUILDING.

**PUBLIC CEREMONY :** Corporation may provide for payment of  
contributions to cost incurred on occasion  
of, s. 14 (2) (ix).

**PUBLIC CHARITY.** *See* BUILDING.

**PUBLIC CONVEYANCE :** restrictions on carriage of patient in, s.  
522.  
disinfection of, after carriage of patient,  
s. 523 (1).  
not to be used until certificate granted by  
Health Officer, s. 523 (3).

**PUBLIC DRAINS :** to vest in Corporation, s. 286.

**PUBLIC DUST-BINS :** to be provided by Chairman, s. 430 (2).

**PUBLIC ENTERTAINMENT :** Corporation may provide for payment of contributions to cost incurred on occasion of, s. 14 (2) (ix).

**PUBLIC HALLS :** Corporation to provide for construction, &c., of, s. 14 (2) (ii).

**PUBLIC HEALTH :** Corporation to provide for any other matter likely to promote, s. 14 (2) (xi).

**PUBLIC LODGING-HOUSE :** inspection of, s. 439 (2).

**PUBLIC NOTICE(S) :** of valuation of buildings and lands, how to be given, s. 157 (3).

to be given of General Committee's intention to define general line of buildings, s. 350 (1).

to specify period within which objections to such intention will be received, s. 350 (3).

to be given of General Committee's intentions regarding erection or re-erection of future buildings, s. 367.

Chairman may direct removal of rubbish and offensive matter by, s. 430 (1).

rubbish, &c., to be deposited in dust-bins by, s. 430 (2).

rubbish, &c., to be deposited in lump in street by, s. 430 (3).

to be given prohibiting milch-cattle to be kept in particular areas, s. 455.

use of public bathing place not vesting in Corporation, s. 459.

regulating the use of public bathing places, &c., s. 460 (1).

preventing use of premises in particular areas, s. 469 (1).

prohibiting use, for drinking or for washing clothes, of water likely to cause dangerous disease, s. 515 (1).

- PUBLIC NOTICE(s)** : to be given appointing places for washing of conveyances, &c., exposed to infection, s. 520 (2).  
 prescribing temporary regulations on outbreak of dangerous disease, &c., s. 525 (b).  
 how to be made known, s. 587.
- PUBLIC PLACES** : Corporation to provide for planting and preservation of trees in, s. 14 (2) (i).
- PUBLIC PRIVY(IES)** : provision and maintenance of, s. 309.  
 licensing, of, s. 310 (1).  
 not to be kept without, or after cancellation of, license, s. 310 (3).
- PUBLIC RECEPTACLES** : to be provided for disposal of rubbish or offensive matter, &c., s. 429.
- PUBLIC RESERVOIRS** : to vest in Corporation, s. 236.
- PUBLIC SQUARES** : to vest in Corporation, s. 336.  
 watering of, s. 338.
- PUBLIC STAND-POSTS** : to be erected for gratuitous supply of filtered water for domestic purposes, s. 238 (1).  
 unfiltered water not to be supplied to, s. 238 (2).
- PUBLIC STREET(s)** : defined, s. 3 (37).  
 drains in, to vest in Corporation, s. 286.  
 to vest in Corporation, s. 336.  
 maintenance and repair of, s. 337.  
 watering of, s. 338.  
 removal of other obstructions in, s. 342 (1).  
 guarding and lighting of, when broken up or opened, s. 345.  
 may be closed to traffic during progress of work, s. 346 (1).  
 provision of facilities, &c., when work executed by municipal authority in, s. 347 (1).  
 naming of, s. 348 (1).  
 name of, not to be destroyed or pulled down, s. 348 (2).  
 power to turn, divert, &c., s. 354 (c).  
 power to widen, open, &c., s. 354 (d).  
 (permanently closed) disposal of site of, s. 355.  
 (proposed) schemes and plans of, s. 356 (1).  
 width of, s. 356 (2).  
 to be laid out in bustees, s. 356 (3).

**PUBLIC STREET(s)** : what deemed to be projected, s. 356 (4).  
 land and buildings may be acquired for improvement of, s. 357 (1).  
 provisions for lighting of, s. 422.  
*See* COMPENSATION.

**PUBLIC TANKS** : to vest in Corporation, s. 236.

**PUBLIC URINAL(s)** : provision and maintenance of, s. 309.  
 licensing of, s. 310 (1).  
 not to be kept without, or after cancellation of, license, s. 310 (3).

**PUBLIC WASH-HOUSES** : provision and maintenance of, s. 474.

**PUBLIC WATER-WORKS** : to vest in Corporation, s. 236.

**PUBLIC WELLS** : to vest in Corporation, s. 236.

**PUBLIC WORK-SHOP.** *See* BUILDING.

## Q.

**QUALIFICATIONS.** *See* VOTER ; COMMISSIONER.

**QUORUM.** *See* MEETING.

## R.

**RAILWAY(s)** : defined, s. 3 (38).  
 not to be constructed over municipal drain without permission, s. 292 (1).  
 over municipal gas-pipe without permission, s. 427 (1).  
 powers of Corporation as to construction, &c., of, s. 554.

**RAIN-WATER DRAIN** : to be distinct from sewage-drain, s. 302.

**RATE(s)** : upon buildings and lands, power to impose, s. 147.  
 amounts of, how to be fixed, s. 148.  
 to be levied as one consolidated rate, s. 149.  
 to defray cost of establishment for cleansing bustees, how to be recovered, s. 420 (2).

**RE-ERECT** : defined, s. 3 (39).

**REGISTER** : of burials and cremations, to be kept and particulars to be entered, s. 544 (1).  
 Chairman to have access to, s. 544 (2).

**REGISTER-BOOK(s)** : of births and deaths, how to be kept, s. 529.  
 entries in, how to be made, s. 530 (2).

**REGISTER-BOOK(s)** : signature of, by informant of birth or death, s. 535.

**REGISTRAR** : of births and deaths, appointment of, s. 526 (2).  
(additional) may be appointed on occurrence of dangerous disease, s. 526 (3).

dwelling-place of, s. 527 (1).

to cause his name to be affixed on outer door of dwelling-place, s. 527 (2).

name and dwelling-place of, to be printed and published, s. 528.

to inform himself of. and to register, births and deaths, s. 530.

may fill up and sign register-book for person unable to write, s. 535.

to enter deaths in district register, s. 537.

of Hackney-carriages and Animals to satisfy himself that tax on carriages and animals has been duly paid, s. 190.

**REGULATION(s)** : powers for making, exerciseable from time to time. s. 564.

to be published in Calcutta Gazette, s. 570.

printing and sale of copies of, s. 571.

exhibition of, on boards, s. 572.

cancellation of, and when to take effect, s. 573

(2) and (3).

under section 525, punishment for contravention of, s. 576.

**RE-MODELLED BUSTEE.** *See* BUSTEE.

**REPEAL OF ENACTMENTS**, s. 2.

**REPORT.** *See* MUNICIPAL AUDITORS.

**REQUISITION** : under Act, time for complying with, s. 597 (1).

enforcement of, in default of person directed, s. 597 (2).

**RESIDE** : defined, s. 3 (40).

**RUBBISH** : defined, s. 3 (41).

public receptacles, &c., to be provided for disposal of, s. 429

accumulating in premises, &c., how to be disposed of, s. 430 (1).

on business premises, collection and removal of, s. 431.

deposited in receptacles, &c., to be the property of Corporation, s. 433.

not to accumulate on premises for more than 24 hours, s. 436 (1).

**BUSBISH :** irregular deposit of, prohibited, s. 436 (2).  
 irregular placing of, prohibited, s. 436 (4).

**RUINOUS BUILDING.** *See* BUILDING.

**RULES :** prescribing qualifications of candidates for Health Department, &c., power to make, s. 68 (1).  
 for conduct of business at meetings of Corporation, power to make, s. 85.  
 with respect to meetings of General Committee, power to make, s. 94.  
 declaring proportion of Ward Commissioners, &c., to be nominated members of Sub-Committees, power to make, s. 95 (6).  
 declaring proportion of Ward Commissioners, &c., to be nominated members of Special Committees, power to make, s. 96 (4).  
 for regulating the conduct of business at meetings of Special Committees, power to make, s. 96 (5).  
 as to compounders, power to make, s. 498.  
 prescribing qualifications, &c., of Registrars and Sub-Registrars, power to make, s. 538.  
 powers for making, exerciseable from time to time, s. 564.  
 for amendment of certain Schedules, power to make, s. 567.  
 conditions precedent to making of, s. 568.  
 (certain) to be subject to sanction, s. 569.  
 to be published in Calcutta Gazette, s. 570.  
 printing and sale of copies of, s. 571.  
 exhibition of, on boards, s. 572.  
 cancellation of, and when to take effect, s. 573 (2) and (3).  
 as to licenses on the exercise of professions, trades, and callings, Sch. II.  
 for preparation and publication of the municipal election-roll, Sch. IV.  
 for conduct of elections, Sch. V.  
 as to drains, Sch. XV.  
 as to privies and urinals, Sch. XVI.  
 as to the use of building-sites and the execution of building-work, Sch. XVII.

## S.

**SALE :** form of notice of, Sch. XIII.

**SALE-PROCEEDS :** of site unsuitable for building, how to be disposed of, s. 364 (3).  
 of building sites, how to be disposed of, s. 365 (4).

- SALE-PROCEEDS:** of huts pulled down, to be held in deposit by Corporation, s. 410 (1).  
 of ruinous buildings, how to be applied, s. 443.  
 of demolished buildings, when to be credited to Municipal Funds, s. 601 (3).
- SCALE:** of ferrules in buildings, Sch. XIV.
- SCAVENGING TAX:** by whom payable, Sch. IX, Part I.  
 rates of fee for licenses for, Sch. IX, Part II.
- SCHEDULE(s):** signature on, may be stamped, s. 590.  
 by whom to be served or presented, s. 591.  
 service of, how to be effected otherwise than on owner or occupier of premises, s. 592.  
 how to be effected on owner or occupier of premises, s. 593.
- SEAL.** See COMMISSIONERS' SEAL.
- SECRETARY:** to Bengal Chamber of Commerce, &c., to make return in duplicate showing names of persons appointed Commissioners, s. 58 (2).  
 to be appointed by Corporation, who will also fix his salary, s. 63 (1).  
 to Corporation to be also Secretary to General Committee, s. 63 (3).  
 salary of, not to exceed Rs. 1,000 *per mensem*, s. 63, prov. (iii).  
 to cease to hold office if he is seriously indebted, s. 67 (2).  
 must reside in Calcutta, s. 72.  
 duty of, before signing cheque, s. 116.
- SERVICE-MAIN(s):** compulsory supply of water from, s. 253.  
 inspection of works, &c., before permitting connection with, s. 264 (1).  
 connection with, not to be made until Engineer certifies, s. 264 (3).
- SERVICE-PIPE(s):** occupier of masonry building paying water-rate may be allowed to lay down, s. 249.  
 separate, for separate premises, s. 256 (1).  
 construction of, s. 260 (1).  
 to be executed subject to inspection of Chairman, s. 260 (3).  
 may be made by servants and workmen of Corporation, s. 260 (4).
- SERVICE-PRIVY(IES):** defined, s. 3 (42).

**SERVICE PRIVY(IES) :** for sewage or offensive matter, not to be constructed within 50 feet of tank, &c., s. 325 (1).

situated in building, how to be placed, Sch. XVI., rule 1 (2).

not to be placed on upper floor of building, Sch. XVI., rule 2 (1).

may be converted into connected privy, Sch. XVI., rule 2 (2).

provision of access to, from street, Sch. XVI., rule 3.

drain to be provided for, Sch. XVI., rule 5 (1).

drain how to be constructed, Sch. XVI., rule 5 (2).

floor of, to have a certain fall or inclination, Sch. XVI., rule 6 (2).

platform of, to be plastered with cement, &c., Sch. XVI., rule 8.

regulation of, constructed for use in combination with moveable receptacle for sewage, Sch. XVI., rule 10.

**SERVICE-URINAL :** drain to be provided for, Sch. XVI., rule 5 (1).

floor of, to have a certain fall or inclination, Sch. XVI., rule 6 (2).

**SEWAGE :** defined, s. 3 (43).

sufficient outfall to be provided for discharge of, s. 289 (1).

plans of out-fall, &c., subject to sanction of Local Government, s. 289 (2).

public receptacles, &c., to be provided for deposit or disposal of, s. 429.

hours, &c., for removal of, s. 434.

from privies and urinals, establishment to be maintained for removal of, s. 435.

irregular removal of, prohibited, s. 436 (3).

placing of, prohibited, s. 436 (4).

**SEWAGE-DRAIN :** to be distinct from rain-water drain, s. 302.

**SEWAGE FUND :** to be credited and debited with what, s. 107.

**SHEDS :** destruction of, to prevent spread of dangerous disease, s. 518.

**SHIPS :** gratuitous supply of filtered water to, lying in port, s. 255. (1)

**SHIPS**: supply of filtered water to, for the voyage, s. 255 (2).

**SHOPS**: in streets, not to be erected without special permission,  
s. 367 (1) (c) (i).

**SHORT TITLE OF ACT**, s. 1 (1).

**SINKING FUNDS**: maintenance of, s. 133.

separate accounts to be kept for, s. 134.

investment of, s. 135.

application of, s. 136.

*See* TRUSTEES.

**SITE-PLAN**: of hut, Chairman may require a proper, Sch. XVII.,  
rule 48.

**SKY-SIGN(S)**: defined, s. 3(44).

erection and maintenance of, s. 344.

**SLAUGHTER-HOUSE**: defined, s. 3 (45).

**SMALL CAUSE COURT(S)**: Chairman may refer certain matters for  
determination of, s. 616.

application to, in other cases, s. 617.

general powers and procedure of, s.  
623.

not to receive application, &c., until  
fee has been paid, s. 624 (3).

procedure of, in appeal against valuation  
of place of business, &c., Sch.  
II., rule. 15.

*See* CHIEF JUDGE.

**SOIL-PIPE**: of connected privy or urinal, Sch. XV., rule 8.

ventilation of, of connected privy or water-closet  
detached from building, Sch. XV., rule 9.

**SPECIAL COMMITTEE(S)**: appointment of, s. 96 (1).

delegation to, of duties of Corporation,  
s. 96 (2).

certain provisions of s. 95 to apply to,  
s. 96 (3).

constitution of, s. 96 (4), prov.

minutes of names of members of, pre-  
sent at meetings, to be entered in a book,  
s. 97 (2).

**SPECIAL MEETING**: of Corporation, when may be called by Chair-  
man, s. 77 (2).

of General Committee, may be called by  
Chairman, s. 90 (4).

**SPECIAL NOTICE**: to be given when valuation is made for the  
first time or increased, s. 158.

**SQUARES:** Corporation to provide for the laying out and maintenance of, s. 14 (2) (iii).

**STABLE(s):** power of Chairman to enter and inspect, s. 196 (1).  
to be under survey and control of General Committee, s. 456 (1).  
may be required to be altered, paved, &c., s. 456 (2).  
use of, may be ordered to be discontinued, s. 457.

**STANDARD PLAN:** of bustee, preparation of, s. 400 (1).  
how to be prepared when land within limits of bustee is not bustee land, s. 400 (3).  
to be considered by General Committee, s. 400 (4).  
to be laid before Corporation, s. 400 (5).  
to be prepared by General Committee in default of owners, s. 401 (1).  
of unhealthy bustee, preparation of, s. 406.  
may be approved by General Committee, s. 407.  
for improvement of unhealthy bustee, preparation of, s. 413 (2).  
what to show, s. 414.  
what to provide for, s. 415.

**STAND-POSTS:** misuse of, prohibited, s. 268 (2).

**STEAM-TRUMPET:** in factory, &c., not to be used without permission, s. 465.

**STEAM-WHISTLE:** in factory, &c., not to be used without permission, s. 465.

**STOP-COCK(s):** (separate) to be provided for supply of unfiltered water to private premises, s. 257 (1).  
(outer) to be affixed to premises, s. 258 (1).

**STORM-WATER:** sufficient outfall to be provided for discharge of, s. 289 (1).  
plans of such outfall, &c., subject to sanction of Local Government, s. 289 (2).

**STRAY SWINE:** destruction of, s. 454.

**STREET(s):** defined, s. 3 (46).

Corporation to provide for planting and preservation of trees in, s. 14 (2) (i).

maintained for benefit of tenants, dimensions of, s. 400 (2).

when to remain private streets, s. 416 (1).

Chairman to provide for cleansing of, s. 432.

See **NEW STREET**.

**STREET ALIGNMENT:** defined, s. 3 (47).

**STRUCTURE:** (new) not to be erected over municipal gas-pipe without permission, s. 427 (1).

**SUB-COMMITTEE(s):** delegation of powers or duties of General Committee to, s. 95 (1).  
 constitution of, s. 95 (4).  
 to be nominated by General Committee, s. 95 (5).  
 to conform to instructions given by General Committee, s. 95 (7).  
 may be dissolved or its constitution altered by General Committee, s. 95 (8).  
 may choose one of their number to preside at meetings, s. 95 (9) and (10).  
 proceedings of, subject to confirmation by General Committee, s. 95 (12).  
 minutes of names of members of, present at meetings, to be entered in a book, s. 97 (2).  
 fee payable to members of, s. 100.  
 reference of objections to, s. 600.

**SUB-REGISTRAR:** of burial or burning ground, appointment of, s. 526 (4).  
 dwelling-place of, s. 527 (1).  
 to cause his name to be placed on outer-door of his dwelling-place, s. 527 (2).  
 name and dwelling-place of, to be printed and published, s. 528.  
 to forward to Registrar a copy of the entry of every death made by him, s. 537.

**SUIT:** against municipal authority, &c., when to be instituted, s. 634 (1).  
 when to be commenced, s. 634 (2).  
 when may be dismissed, s. 634 (3).

**SUMMONS(ES):** signature on, may be stamped, s. 590.  
 by whom to be served or presented, s. 591.  
 service of, how to be effected otherwise than on owner or occupier of premises, s. 592.  
 on owner or occupier of premises, s. 593.

*See* **MAGISTRATE.**

**SUNSHADE:** projecting over street, not to be put up without permission, s. 340 (3).

**SUPERINTENDENT OF CENSUS:** to select persons to act as enumerators, s. 550 (1).  
 may require military or naval officers, &c., to act as enumerators, s. 551 (1).  
 may cause census forms to be delivered to occupier of dwelling-place, &c., s. 552 (1).  
 to obtain returns of houseless persons and persons not otherwise enumerated, s. 553.

**SUPPLEMENTARY TAXATION:** when may be had recourse to s. 127 (2).

**SURFACE-DRAIN(s):** for huts, may be prescribed by General Committee, s. 307 (1).  
 (new) may be constructed by owner of land on which hut stands, s. 307 (2).

**SURPLUS-MONEYS.** See MUNICIPAL FUNDS.

**SURVEYOR:** to be appointed by Corporation, who will also fix his salary, s. 63 (1).  
 to cease to hold office if he is seriously indebted, s. 67 (2).  
 must reside in Calcutta, s. 72.

**SWINE:** not to be kept without permission, s. 453.  
 See STRAY SWINE.

## T.

**TANK:** not filled up, not to be taken into account when improving unhealthy bustee, s. 414 (2).

See DANGEROUS and UNWHOLESOME TANKS.

**TAX(ES):** fixing of rates of, by Corporation, s. 124.  
 on carriages and animals to be imposed, s. 188 (1) and Sch. VIII.  
 to be paid half-yearly in advance, s. 189.  
 payment of, before registration, s. 190.  
 may be remitted if carriage or animal kept for only a portion of the half-year, s. 191 (3).  
 license may be granted o payment of, s. 193.

- TAX(ES)**: on professions, trades, and callings, s. 198.  
 to be imposed on petroleum, s. 206 (3).  
 special procedure for recovery of other, s. 212.  
 not invalid for defect of form, s. 234.  
 on professions, &c., time for presentation of applications  
 for remission, &c., of, Sch. II., rule 10.  
 for scavenging purposes, Sch. IX.
- TAXATION.** *See* SUPPLEMENTARY TAXATION.
- TECHNICAL EDUCATION**: Corporation to provide for promotion  
 of, s. 14 (2) (vii).
- TENDERS**: for contracts, how to be invited, s. 88 (1).  
 exceeding Rs. 10,000, procedure in case  
 of, s. 88 (2).  
 exceeding Rs. 1,00,000, procedure in  
 case of, s. 88 (3).  
 may be accepted or rejected by municipi-  
 pal authority, s. 88 (4).
- TRADE(S)**: license for, to be taken out annually, s. 198.  
 (certain) not to be carried on without license, s. 466.  
 classes of licenses for exercise of, Sch. II., rule 1.
- TRAFFIC**: in street, prevention or restriction of, during progress  
 of work, s. 346 (1).
- TREES**: cutting of, s. 339.  
*See* STREET.
- TRUSTEE(S)**: of Sinking Funds, annual statement by, s. 137.  
 of immoveable property, relief to, s. 613.
- TYPE-PLANS**: for construction of house-drains, to be prepared by  
 General Committee, Sch. XV., rule 12.

## U.

- UNCLAIMED CORPSE.** *See* CORPSE.
- UNDERGROUND DRAIN**: supervision and revision of work of laying,  
 s. 322.
- UNDRAINED PREMISES**: situate within 100 feet of municipal drain,  
 drainage of, to be enforced, s. 299.  
 drainage of, in other cases, s. 300.
- UNFILTERED WATER**: Corporation to provide supply of, s. 237.  
 pressure of supply of, s. 242.  
 to be used for public purposes, s. 246 (1).  
 may also be used free of charge for other  
 purposes, s. 246 (2).

**UNFILTERED WATER** : not to be used for domestic purposes, s. 246 (3).

substitution of, for filtered water, s. 247.  
may be sold for other than domestic purposes, s. 254 (1).

supplied to private premises, must be drawn only from hydrants or taps, s. 257 (2).  
to be supplied through a ferrule, s. 259.

**UNHEALTHY BUSTEE.** *See* BUSTEE.

**UNTENANTED BUILDING.** *See* BUILDING.

**UNVALUED BUILDING** : valuation of, s. 152, prov. (c).

**UNVALUED LANDS** : valuation of, s. 152, prov. (c).

**UNWHOLESOME TANKS** : to be filled up, &c., s. 447.

**UNWHOLESOME WELLS** : to be filled up, &c., s. 447.

**URGENT WORKS** : grant of provisional permission to proceed with, Sch. XVII., rule 53.

**URINAL(S)** : to be provided for future buildings, s. 311.

rules for construction, &c., of, s. 314.

not belonging to Corporation, subject to inspection and examination, s. 317.

for sewage or offensive matter, not to be constructed within 50 feet of tank, &c., s. 325 (1).

to be under survey and control of General Committee, s. 328 (1).

rules as to, Sch. XVI.

models and type-plans of, to be kept in municipal office for inspection, Sch. XVI., rule 4.

floor of, how to be made, Sch. XVI., rule 6.

walls and roof of, how to be made, Sch. XVI., rule 7.

enforcement of rules in case of future, Sch. XVI., rule 16.

of existing, Sch. XVI.  
rule 17.

*See* PUBLIC URINAL.

## V.

**VACANCIES.** *See* CASUAL VACANCIES.

**VACCINATION** : Corporation to provide for, s. 14 (2) (vi).

**VALIDATION** : of acts and proceedings under Act, s. 102.

**VALUATIONS** : dates up to which, made before commencement of Act, are to remain in force, Sch. VII.

- VENTILATION-SHAFTS** : constructed, &c., at charge of Municipal Funds, to vest in Corporation, s. 287.  
not belonging to Corporation, subject to inspection and examination, s. 317.
- VERANDAHS (s)** : projecting over streets, regulation of, s. 340 (1).  
roof on, supported by pillars, prohibited, s. 340 (2).  
not to be put up without permission, s. 340 (3).
- VICE-CHAIRMAN** : appointment of, s. 25 (1).  
salary of, s. 25 (2).  
appointment and salary of, subject to approval of Local Government, s. 25 (3).  
removal of, from his office, s. 25 (4).  
to cease to hold office if he has any share or interest in contract or employment with Corporation, s. 27 (2).  
to cease to hold office if he is seriously indebted to any person, s. 28 (2).  
if not a Government servant, may receive pension or gratuity on his retirement, s. 30.  
to devote his whole time to the duties of his office, s. 31.  
may be a Civil or Military Officer, s. 31, prov. (a).  
may hold the office of Commissioner under the Calcutta Port Act, 1890, s. 31, prov. (b) (i).  
may be a member of the Bengal Legislative Council, s. 31, prov. (b) (ii).  
may hold the office of Chairman to any public institution, s. 31, prov. (b) (iii).  
must reside in Calcutta, s. 32.  
must attend daily at the municipal office for transaction of business, s. 33.  
to be subordinate to Chairman and subject to his general direction and control, s. 34 (1).  
to be subject to the same liabilities, &c., as the Chairman, s. 34 (3).  
all acts, &c., performed by, deemed to have been performed by Chairman, s. 34 (4).  
leave of absence to, s. 35 (1).  
leave allowance to be paid to, s. 35 (2).  
to attend meetings of Corporation when directed by Chairman, s. 80.  
duty of, before signing cheque, s. 116.  
acquiring share or interest in contract, &c., with Corporation, punishment of, s. 577.

**VICE-CHAIRMAN**: deemed to be a public servant, s. 646.

*See* **ACTING VICE-CHAIRMAN**; **GOVERNMENT SERVANT**.

**VICE-CHAIRMAN'S FAMILY**. *See* **COMPASSIONATE ALLOWANCE**.

**VOTE (s)**: where to be given, s. 44.

number of, under s. 37 (2) sub-cl. (a) of cl. (i) or cl. (iii),  
s. 45.

sub-cl. (b) of cl. (i), s. 46.

sub-cl. (c) of cl. (i), s. 47.

cl. (ii), s. 49.

maximum number of, s. 50.

not to be given by Government, s. 52.

of majority at meetings of Corporation, to be decisive,  
s. 79.

President to have second or casting, s. 81.

how to be taken when poll demanded, s. 84.

of majority at meetings of General Committee, to be  
decisive, s. 93.

*See* **DOUBLE VOTES**.

**VOTER (s)**: at elections, qualifications of, s. 37.

prohibited from accepting bribe, s. 57 (1).

convicted of bribery, to be disqualified from voting  
for seven years, s. 57 (3).

*See* **DOUBLE VOTES**.

## W.

**WALL(s)**: abutting on public street, not to be constructed within  
the line, s. 351.

(projecting) to be set back, s. 352 (1).

may be set forward to improve line of public street,  
s. 353.

(new) not to be erected over municipal gas-pipe without  
permission, s. 427 (1).

**WARD(s)**: for purposes of election, s. 43.

in which votes to be given, s. 44.

for election of Ward Commissioners, Sch. III.

procedure where a Commissioner is elected for more  
than one, Sch. V., rule 7.

**WARD COMMISSIONERS**: to elect four members for General Com-  
mittee, s. 9 (2) (a).

general election of, when to be held, s. 42.  
wards for election of, Sch. III.

**WARD ELECTIONS:** twenty-five Commissioners to be elected at,  
s. 8 (1).  
conduct of, s. 54.

**WAREHOUSE CLASS.** *See* BUILDING.

**WARRANT(S) OF DISTRESS:** may be issued for recovery of consolidated rate, s. 215 (1).  
fee to be paid for, s. 215 (3).  
door or window may be broken open  
when executing, s. 217.  
outside Calcutta, execution of, s. 224.  
not unlawful for want of form, s. 225.  
may be issued for sale of moveable  
property, s. 233.  
table of fees payable on, Sch. XII.

**WASHERMEN:** provision of other places for use by, s. 475.  
not to wash clothes at other than appointed places,  
s. 476.

**WASH-HOUSES.** *See* PUBLIC WASH-HOUSES.

**WASTE-LAND(S):** annual valuation of, s. 152, prov. (b).  
notice to be given before re-valuation of, s. 159.

**WASTE-PIPES:** how to be laid, Sch. XV., rule 10.

**WATER:** prohibition of waste of, s. 268.  
may be supplied to persons living out of Calcutta, s. 279  
(1).  
not to be taken without Chairman's permission, s. 279  
(2).  
to premises, power to cut off or turn off supply of, s.  
283 (1).  
expense of cutting off connection, &c., of, how to be met,  
s. 283 (2).  
prohibition of fouling of, by certain acts, s. 462.  
in carrying on trade or manu-  
facture, s. 472 (1).  
likely to cause dangerous disease, use of, prohibited,  
s. 515.  
sums due on account of, how to be recovered, s. 620.  
*See* FILTERED and UNFILTERED WATER.

**WATER-CARTS:** to be provided for watering of public streets and  
squares, s. 338.

**WATER-CLOSET:** (connected) soil-pipe of, Sch. XV., rule 8.  
detached from building, ventilation  
of soil-pipe of, Sch. XV., rule 9.  
masonry wall for, Sch. XVI., rule 11.

- WATER-CLOSET :** (connected) must be provided with cistern, Sch. XVI., rule 12.  
with an air-tight water-trap, Sch. XVI., rule 13.  
prohibition of containers and D-traps in, Sch. XVI., rule 14.  
must be provided with soil-pipe, Sch. XVI., rule 15.
- WATER-COURSES :** provision of, in executing drainage-works, s. 324.
- WATER-METER(S) :** to be provided for each block, s. 267 (1).  
to be read at frequent intervals, s. 267 (2).  
may be attached to service-pipe of premises, s. 270 (1).  
expense of, how to be met, s. 270 (3).  
presumption as to correctness of, s. 273.  
testing of, s. 274.  
replacing of, s. 275.  
prohibition of fraud in respect of, s. 276.  
or fittings, not to be wilfully injured, s. 277.
- WATER-SUPPLY FUND :** to be credited and debited with what, s. 105 (1).
- WATER WORKS :** unlawfully flushing, &c., prohibited, s. 266.
- WEATHER-FRAME :** projecting over street, not to be put up without permission, s. 340 (3).
- WEIGHTS :** Chairman to provide local standards of, s. 509.
- WELLS :** filling up of, when water supplied, s. 284.  
*See DANGEROUS and UNWHOLESOME WELLS.*
- WORK(S) :** costing Rs. 1,00,000 or more, not to be commenced until sanctioned by Local Government, s. 20.  
inspection of, before permitting connection with mains, s. 264 (1).  
cost of inspection of, how to be met, s. 264 (2).  
demolition or alteration of other, s. 450.  
power to require estimate of expenses of, s. 599.  
*See PERMANENT and URGENT WORKS.*
- WORK-PLACE :** (new) not to be established without permission, s. 463.  
sanitary regulation of, and prevention of danger from machinery, s. 464.
- WORK-SHOP :** (new) not to be established without permission, s. 463.  
sanitary regulation of, and prevention of danger from machinery, s. 464.

**WRITTEN NOTICE:** for sale of moveable property to be given, s. 218.

to be given requiring owner to provide works for supply of water, s. 250 (1).

what to contain, s. 250 (2).

requiring owner to obtain water from service-main, s. 253.

requiring owner of premises to lay down a separate service-pipe, s. 256 (2).

requiring stop-cocks to be affixed outside premises, s. 258 (1).

requiring defective fittings, &c., for supplying unfiltered water for flushing of privies or urinals to be replaced, s. 262.

requiring defective pipes, &c., to be repaired when filtered water is being wasted, s. 269 (1).

requiring wells to be filled up when water supplied, s. 284.

requiring compulsory connection of house-drains with each other, s. 297.

to be given before group or block of buildings is drained by combined operation, s. 298 (2).

to be given when drainage of undrained premises situate within 100 feet of municipal drain is enforced, s. 299.

to be given when drainage of undrained premises is enforced in other cases, s. 300.

directing house-drain to be closed, &c., s. 301.

requiring sewage and rain-water drains to be distinct, s. 302.

requiring house-drains kept up for benefit of certain premises only to be repaired, &c., s. 305 (2).

requiring courtyard, &c., between two or more buildings to be paved, s. 306 (1).

requiring the level of court-yard, &c., to be raised, s. 306 (2).

requiring the construction of new surface-drains, s. 307 (2).

requiring owner of building, &c., to provide privy or urinal, s. 312.

requiring premises used as markets, &c., to be provided with separate privies and urinals, s. 313.

requiring repairs to be made to house-drains, &c., s. 320.

**WRITTEN NOTICE :** directing supervision and revision of underground drains, s. 322 (2).

requiring removal of filth receptacles situate within 50 feet of tank, &c., s. 325 (2).

requiring house-drains, &c., to be altered, paved, &c., s. 328 (1) (b).

to whom to be addressed, s. 328 (2).

requiring private hedges and trees bordering on public streets to be cut and trimmed, s. 339 (2).

requiring owner or occupier to comply with conditions regarding verandahs, &c., projecting over streets, s. 340 (5).

requiring removal of projections over streets, s. 340 (6).

requiring removal of fixtures attached to buildings, s. 341 (1).

requiring dangerous buildings, &c., near streets to be repaired, &c., s. 343.

requiring owner of building to replace number if removed or defaced, s. 349 (3).

requiring projecting buildings or walls to be set back, s. 352 (1).

to be given before making new private streets, s. 358 (1).

requiring external roofs or walls of buildings made of inflammable materials to be removed, s. 368 (2).

requiring public buildings to be provided with external doors, s. 369.

requiring owner to make alterations in masonry building, s. 383 (1) (b).

requiring owners to prepare a joint plan of bustee, s. 400.

requiring other improvements to be carried out in conformity with standard plan, s. 405.

requiring improvements proposed in Medical Officer's report to be carried out, s. 408.

to be given by owner of his intention to take land out of the category of bustee land, s. 419 (1).

when deemed to be cancelled, s. 419 (3).

requiring filthy bustees to be cleansed, s. 421.

requiring alteration of situation of gas-pipes, &c., s. 426 (1).

directing collection and removal of rubbish and offensive matter on business-premises, s. 431.

- WRITTEN NOTICE.** to be given by mehters, &c., before withdrawing from work, s. 438.  
 requiring building to be cleansed and lime-washed, s. 440.  
 requiring untenanted building to be secured, enclosed, &c., s. 441.  
 requiring ruinous buildings to be taken down, &c., s. 442.  
 requiring overcrowded buildings to be vacated, s. 446.  
 requiring unwholesome wells, &c., to be filled up, s. 447.  
 directing excavations to be filled up, s. 448 (4).  
 requiring stoppage of building work unlawfully commenced or carried on, s. 451.  
 requiring stables, &c., to be altered, paved, &c., s. 456 (2).  
 to whom to be addressed, s. 456 (3).  
 requiring use of stables, &c., to be discontinued, s. 457.  
 requiring factories, &c., to be kept in cleanly state, s. 464.  
 revoking Chairman's permission for use of steam-whistle or steam-trumpet in factory, &c., s. 465 (2).  
 directing use of premises for certain trades near dwelling-houses to be discontinued, s. 470.  
 requiring pipes, &c., to be examined, s. 472 (2).  
 requiring private markets, &c., to be paved and drained, s. 485.  
 fixing limits of private market or bazar, s. 486 (1).  
 where such, to be affixed, s. 486 (2).  
 requiring approaches, &c., to private market or bazar to be set out, s. 487.  
 requiring infected buildings to be vacated, s. 517.  
 directing disinfection or destruction of clothing, &c., likely to retain infection, s. 520 (3).  
 stating cause of death to be sent to Health Officer, s. 533.  
 to be given by Chairman before entering upon lands adjacent to works, s. 596 (2).  
 directing demolition of buildings in Hastings erected without sanction, s. 651.  
 authorizing owner of building to erect service-privy, Sch. XVI., rule 2, prov.

**WRITTEN NOTICE :** requiring owner to convert service-privy into connected privy, Sch. XVI., rule 2 (2).  
requiring owner of privy to form a passage giving access to privy from street, Sch. XVI., rule 3.

**WRITTEN ORDER :** directing Chairman to act in case of nuisances, s. 632 (2).

**WRITTEN PERMISSION :** may be given for erection of verandahs- &c., projecting over streets, s. 340 (4), to be obtained before erection of sky-signs, s. 344 (1).  
duration, conditions, &c., of, s. 344 (2).  
grantee of, to produce written permission when required by Chairman, s. 586 (6).  
signature on, may be stamped, s. 590.















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